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Matt Blunt
Secretary of State

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://mosl.sos.state.us/morepubschedule.htm>.

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE . . .

Occasionally, we have unique questions/situations that arise, that I believe should be discussed in this column. Copyrighted materials and "incorporated by reference" is one such subject that continues to raise questions. By reason of this fact, I have requested that our General Counsel, Terry M. Jarrett, write "From this Angle" this month and present his findings as they pertain to this type of material. Below is the content of Terry's well-reasoned position on this subject.



Lynne C. Angle, Director, Administrative Rules

Copyrighted Materials and "Incorporation by Reference"

From time to time in the rulemaking process, agencies will "incorporate by reference" materials which would be unduly cumbersome or expensive to publish in the *Code of State Regulations*. Indeed, Section 536.031.4, RSMo, allows an agency to incorporate by reference such materials in its administrative rules so long as "the full text of the material incorporated by reference is made available to any interested person at both the office of the secretary of state and the office of the adopting state agency, and copies thereof made available to any interested party at a cost not to exceed the actual cost of copy reproduction."

Some materials that agencies have incorporated by reference in their rules include copyrighted materials. Copyright law generally prohibits copying or reproducing the work without the authorization of the copyright owner. If someone were to request copies of the copyrighted materials from either the agency or the Secretary of State, the owner of the copyright might object to the reproduction. Consequently, the Secretary of State believes that in order for the materials to be "made available" as directed by the statute, the agency must submit along with its proposed rulemaking to the Secretary of State an "Authorization To Reproduce Copyrighted Material" form signed by the copyright owner. Blank forms are available upon request from the Secretary of State for use by agencies. By signing the form, a copyright owner authorizes the agency and the Secretary of State to make available copies of the copyrighted materials in accordance with Section 536.031. A sample form is reproduced below. This safeguard should protect the agency and the Secretary of State from violating any copyright laws in situations where the agency wants to incorporate copyrighted materials by reference in its rules.

For the applicable "Copyright Release" see the form on the following page.



Terry M. Jarrett,
General Counsel

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Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

EMERGENCY AMENDMENT

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders. The commission is amending sections (1)–(10) and adding new sections (3) and (16).

PURPOSE: This amendment changes the requirements for cervids entering the state of Missouri to protect Missouri livestock and wildlife from the importation of diseases that potentially pose a threat to the public health, safety and welfare.

EMERGENCY STATEMENT: The Department of Conservation has determined that chronic wasting disease poses significant risks that could be devastating to Missouri's wildlife resources and captive cervid industry. This disease, if introduced into Missouri, is a potential immediate threat to the public health, safety, and welfare. The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of the potential health and welfare threats, there is a compelling governmental interest to enact this rule through emergency amendment. Insight provided by the captive cervid industry and the Department of Agriculture has proved extremely beneficial in

developing this amendment to minimize the risks of chronic wasting disease associated with the movement of cervids. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed on March 11, 2002, effective March 21, 2002, expires September 16, 2002.

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be exhibited, propagated, reared or held in captivity by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location indicated on the permit.

(2) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state **and as provided in section (3) of this rule**; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.

(3) **Any cervid entering a Class I wildlife breeder operation that has ever been held in a state or province having a documented chronic wasting disease case shall be required to come from a herd comprised of animals that have been certified, through a United States Department of Agriculture approved or state-sponsored program, to be chronic wasting disease free for a minimum of three (3) years. Proof of such certification and all permits issued by the state veterinarian's office allowing cervids to enter Missouri must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time.**

(4) The wildlife may be used, sold, given away, transported or shipped; provided, that state- and federally-designated endangered species may not be sold without the written approval of the director; that skunks may not be imported, bought, sold, transported, given away or otherwise disposed of; that live raccoons, foxes and coyotes may not be imported; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section [(3)] (8) of this rule.

(5) Cities, towns and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply, no permit will be issued by the department.

(6) No Class I or Class II wildlife breeder permit is required for wildlife legally held by circuses, publicly-owned zoos or *bona fide* research facilities; however, those wildlife may not be held for personal use. Physical contact between humans and Class I and Class II wildlife in circuses must be restricted to the handlers, performers or other circus employees.

[(2)] (7) Any sale, shipment or gift of wildlife by a Class I or Class II wildlife breeder shall be accompanied by a written statement giving his/her permit number and showing the number of each species and the name and address of the recipient. No wildlife of any kind may be liberated unless specific permission has been granted on written application to the conservation agent in the district where the release is to be made.

[(3)] (8) Wildlife, except skunks, foxes, coyotes and raccoons may be shipped, transported or consigned to a wildlife breeder by non-residents without a Missouri wildlife breeder permit, but that wildlife shall be accompanied by appropriate permit or other proof

of legality in the state of origin. Persons purchasing wildlife at consignment sales shall obtain a wildlife hobby or appropriate wildlife breeder permit prior to the purchase, except nonresidents may possess and transport purchased wildlife without permit for forty-eight (48) hours following close of the sale.

[(4)] (9) Notification of the date and place of any public sale of consigned wildlife shall be provided the conservation agent of the county in which the sale will be held not less than thirty (30) days prior to the sale.

[(5)] (10) The holder of a Class I or Class II wildlife breeder permit may exhibit wildlife at locations other than those listed on the permit.

[(6)] (11) None of these privileges shall extend to permitting the act of hunting for such stock except that big game mammals may be shot for purposes of herd management by the permit holder or his/her agents, but only by written authorization of the director.

[(7)] (12) No state permit shall be required of individuals holding migratory waterfowl under valid federal authorization.

[(8)] (13) No state permit shall be required for the propagation, sale or display of birds of prey by persons holding a valid federal permit; provided, that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit.

[(9)] (14) The holder of a Class II wildlife breeder permit shall report escaped animals immediately to an agent of the department.

[(10)] (15) The holder of a Class I wildlife breeder permit may sell legally-acquired dressed or processed quail, pheasants, partridges and game birds eggs at retail and to commercial establishments under provisions of 3 CSR 10-10.743, provided all sales are accompanied by a valid invoice and the required records are maintained by the wildlife breeder.

(16) Animal health standards and movement activities shall comply with all state and federal regulations.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule [was] previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

EMERGENCY AMENDMENT

3 CSR 10-9.565 Licensed [Shooting Area] Hunting Preserve: Privileges. The commission is amending section (1).

PURPOSE: This amendment addresses current disease risks associated with the interstate transport of cervids that potentially pose a threat to the public health, safety and welfare; clarifies permit privileges; and, establishes a tagging standard for harvested wildlife.

EMERGENCY STATEMENT: The Department of Conservation has determined that chronic wasting disease poses significant risks that could be devastating to Missouri's wildlife resources and captive

cervid industry. This disease, if introduced into Missouri, is a potential immediate threat to the public health, safety, and welfare. The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of the potential health and welfare threats, there is a compelling governmental interest to enact this rule through emergency amendment. Insight provided by the captive cervid industry and the Department of Agriculture has proved extremely beneficial in developing this amendment to minimize the risks of chronic wasting disease associated with the movement of cervids. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed on March 11, 2002, effective March 21, 2002, expires September 16, 2002.

(1) [An agent of the department shall inspect each proposed licensed shooting area to determine that it meets all requirements of this rule before a permit is issued.]

Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed [shooting area] **hunting preserve** permit may release on his/her licensed [shooting area] **hunting preserve** legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird [Shooting Area] **Hunting Preserve.**

1. The [shooting area] **hunting preserve** shall be a single body of land not less than one hundred sixty (160) acres nor more than six hundred forty (640) acres in size. [Shooting areas] **Hunting preserves** shall be posted with signs specified by the department. [Shooting area] **Hunting preserve** permits will not be issued for areas—

A. Within five (5) miles of any area where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application.

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife.

[2.] The permittee shall keep an accurate record of all game birds of each species acquired, propagated, sold, held, released, the number of each species taken on the area and the full name and address of the taker. These records shall be maintained on the premises of the licensed shooting area, subject to inspection by an authorized agent of the department at any reasonable time.]

[3.] 2. The permittee shall attach to the leg of each game bird taken on the [area] **preserve** a leg band furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) bands.

[4.] 3. Any person taking or hunting game birds on a licensed [shooting area] **hunting preserve** shall have in his/her possession a valid hunting permit or licensed [shooting area] **hunting preserve** hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit.

[5.] 4. Game birds taken on a licensed [shooting area] **hunting preserve** may be possessed and transported only when bearing the prescribed leg band. Game birds may be taken in any numbers on such areas.

[6.] 5. The permittee must release during the shooting season at least one (1) game bird per acre of [shooting area] **hunting preserve**, with at least one-half (1/2) of the birds to be bobwhite quail, if quail are to be hunted outside the statewide season. All birds shall be from a source approved by the department.

(B) Big Game [Shooting Area] Hunting Preserve.

1. The [shooting area] hunting preserve for ungulates shall be a single body of land not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size, fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. Fence height shall meet standards specified in 3 CSR 10-9.220.

[2. The permittee shall keep an accurate permanent record of the number of each species acquired, propagated, sold, held, released, the number of each species taken and the full name and address of the taker. These records shall be maintained on the premises of the licensed shooting area, subject to inspection by an authorized agent of the department at any reasonable time.]

2. Any cervid entering a big game hunting preserve operation that has ever been held in a state or province having a documented chronic wasting disease case shall be required to come from a herd comprised of animals that have been certified, through a United States Department of Agriculture approved or state-sponsored program, to be chronic wasting disease free for a minimum of three (3) years. Proof of such certification and all permits issued by the state veterinarian's office allowing cervids to enter Missouri must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time.

3. The permittee may exercise privileges provided in 3 CSR 10-9.353 for species held under the big game hunting preserve permit. Any breeding enclosure(s) contained within the big game hunting preserve shall meet standards specified in 3 CSR 10-9.220.

[3.] 4. Any person taking or hunting ungulates on a [licensed shooting area] big game hunting preserve shall have in his/her possession a valid licensed [shooting area] hunting preserve hunting permit. [Big game taken on those areas may be possessed and transported only when accompanied by a bill of sale showing the date, licensed shooting area permit number and name and address of the taker.] The permittee shall attach to the leg of each ungulate taken on the preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be [stamped] labeled with the licensed [shooting area] hunting preserve permit number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

EMERGENCY RULE

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required

PURPOSE: This rule requires that licensed hunting preserves maintain records on the premises that would include information on species, purchase, sale, propagation, health certification,

applicable permits and harvest, on a form furnished by the Department of Conservation.

EMERGENCY STATEMENT: The Department of Conservation has determined that chronic wasting disease poses significant risks that could be devastating to Missouri's wildlife resources and captive cervid industry. This disease, if introduced into Missouri, is a potential immediate threat to the public health, safety, and welfare. The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of the potential health and welfare threats, there is a compelling governmental interest to enact this rule through emergency provisions. Insight provided by the captive cervid industry and the Department of Agriculture has proved extremely beneficial in developing this rule to minimize the risks of chronic wasting disease associated with the movement of cervids. The agency believes this emergency rule to be fair to all persons and parties under the circumstances. This emergency rule was filed on March 11, 2002, effective March 21, 2002, expires September 16, 2002.

Licensed hunting preserve permittees shall keep a current record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve and the full name, address, and permit number (if applicable) of each buyer, seller, shooter and/or taker, on forms provided by the department. These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the licensed hunting preserve and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Emergency rule filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules

EMERGENCY RULE

4 CSR 110-2.131 Definition of a Public Health Setting

PURPOSE: The purpose of this rule is to implement section 332.311, RSMo as amended by HB567 of the 91st General Assembly and defines the public health settings in which a dental hygienist may practice without the supervision of a dentist.

EMERGENCY STATEMENT: This emergency rule defines the term public health setting as authorized by section 332.311.2, RSMo which was amended by SB393 and HB567 of the 91st General Assembly. This emergency rule is necessary to protect the public health, safety and welfare of Missouri children by providing access to dental care in public health settings by dental hygienists. SB393 and HB567 authorized currently licensed dental hygienists, who have been in practice at least three (3) years, to work in public health settings and provide fluoride treatments, teeth cleanings and sealants to children who are eligible for medical assistance, pursuant to Chapter 208, RSMo without the supervision of a dentist. In SB393, the legislature recognized the importance of children receiving adequate access to dental care and deemed the enactment of section 332.311 to be an emergency. Absent an emergency rule setting forth the definition of a public health setting, adequate access to dental health care for children will be delayed for many months.

*The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The board has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A regular rule will be filed. Formal notice and comment opportunities will be provided through the regular rulemaking process. The board also believes this emergency rule is fair to all interested parties affected by the circumstances. This emergency rule is being jointly established by the Missouri Department of Health and Senior Services. This emergency rule was filed March 15, 2002, becomes effective March 25, 2002 and expires September 20, 2002.*

(1) For the purposes of section 332.311, RSMo only, the term "public health setting" shall be defined as a location where dental services authorized by section 332.311, RSMo are performed so long as the delivery of services are sponsored by a governmental health entity which includes:

- (A) Department of Health and Senior Services;
- (B) A county health department;
- (C) A city health department operating under a city charter;
- (D) A combined city/county health department; or
- (E) A nonprofit community health center qualified as exempt from federal taxation under section 501(c)(3) of the *Internal Revenue Code* including a community health center that receives funding authorized by sections 329, 330, and 340 of the United States Public Health Services Act.

*AUTHORITY: section 332.311.2, RSMo Supp. 2001. Emergency rule filed March 15, 2002, effective March 25, 2002, expires Sept. 20, 2002. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 30—Office of the Director

Chapter 7—Driver and Vehicle Equipment Regulations

EMERGENCY RULE

11 CSR 30-7.010 Motor Vehicle Window Tinting Permits

PURPOSE: This rule establishes procedures for the issuance of motor vehicle window tinting permits as authorized by section 307.173, RSMo.

*EMERGENCY STATEMENT: This emergency rule sets forth requirements for obtaining motor vehicle window tinting permits. Persons who require vision reducing material applied to their vehicles in excess of statutory allowances pursuant to a prescription for the treatment of a serious medical condition, may be issued a permit to operate the vehicle equipped as such. The director of the Department of Public Safety is statutorily required to promulgate a rule for the issuance of this permit. The director finds an immediate danger to the public health, safety and welfare to the citizens of Missouri and compelling governmental interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The director believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed February 20, 2002, effective March 4, 2002 and expires August 30, 2002.*

(1) An applicant, upon proper presentation of a prescription issued by his/her physician stating s/he has a serious medical condition requiring its use, may be issued a permit (SHP-524) to operate a motor vehicle with a front side wing vent or window that has a sun

screening device that has a light transmission of less than thirty-five percent (35%).

(2) Persons requiring such permit will:

(A) Obtain a prescription issued within one (1) year of application, from his/her physician indicating s/he has a serious medical condition that requires vehicle window tinting with less than thirty-five percent (35%) light transmission applied to the front side vent(s) or window(s);

(B) Present the prescription and the vehicle for which the permit is to be issued to the Missouri State Highway Patrol, Motor Vehicle Inspection Division;

(C) If a permit for more than one (1) vehicle is requested, only one (1) prescription is required. All vehicles must be presented.

(3) The certifying officer or motor vehicle inspector will:

(A) Verify the physician's prescription for authenticity;

(B) Complete an SHP-524 form in triplicate, utilizing the vehicle presented to fill in the applicable blanks on the form;

(C) Affix the sticker to the inside of the windshield, on the lower left side, slightly above where the inspection sticker should be affixed. Affix the decal to the outside of the lower left corner of the rear glass or left corner of the rear bumper, at the vehicle owner's option;

(D) Provide the applicant with the appropriate copy of the form and instruct him/her to maintain the copy in the vehicle at all times.

(4) The window tinting permit will remain valid during the current ownership of the vehicle. To obtain a replacement permit, the procedures outlined in sections (2) and (3) will be followed.

(5) Window tinting permits issued prior to August 28, 2001, which allowed a vehicle to be operated with vision reducing material in excess of thirty-five percent (35%) applied to the windshield, front side vents and front side windows pursuant to a physician's prescription are considered to be valid for the purposes of this rule.

*AUTHORITY: section 307.173, RSMo [1994] Supp. 2002. Original rule filed Sept. 8, 1987, effective Dec. 12, 1987. For intervening history, please consult the **Code of State Regulations**. Emergency rule filed Feb. 20, 2002, effective March 4, 2002, expires Aug. 30, 2002. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 10—Office of the Director

Chapter 4—Coordinated Health Care Services

EMERGENCY RULE

19 CSR 10-4.040 Definition of a Public Health Setting

PURPOSE: The purpose of this rule is to implement section 332.311, RSMo as amended by HB567 of the 91st General Assembly and defines the public health settings in which a dental hygienist may practice without the supervision of a dentist.

EMERGENCY STATEMENT: This emergency rule defines the term public health setting as authorized by section 332.311.2, RSMo which was amended by SB393 and HB567 of the 91st General Assembly. This emergency rule is necessary to protect the public health, safety and welfare of Missouri children by providing access to dental care in public health settings by dental hygienists. SB393 and HB567 authorized currently licensed dental hygienists, who have been in practice at least three (3) years, to work in public health settings and provide fluoride treatments, teeth cleanings and

sealants to children who are eligible for medical assistance, pursuant to Chapter 208, RSMo without the supervision of a dentist. In SB393, the legislature recognized the importance of children receiving adequate access to dental care and deemed the enactment of section 332.311 to be an emergency. Absent an emergency rule setting forth the definition of a public health setting, adequate access to dental health care for children will be delayed for many months.

*The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The board has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A regular rule will be filed. Formal notice and comment opportunities will be provided through the regular rulemaking process. The board also believes this emergency rule is fair to all interested parties affected by the circumstances. This emergency rule is being jointly established by the Missouri Dental Board. This emergency rule was filed March 15, 2002, becomes effective March 25, 2002 and expires September 20, 2002.*

(1) For the purposes of section 332.311, RSMo only, the term "public health setting" shall be defined as a location where dental services authorized by section 332.311, RSMo are performed so long as the delivery of services are sponsored by a governmental health entity which includes:

- (A) Department of Health and Senior Services;
- (B) A county health department;
- (C) A city health department operating under a city charter;
- (D) A combined city/county health department; or
- (E) A nonprofit community health center qualified as exempt from federal taxation under section 501(c)(3) of the *Internal Revenue Code* including a community health center that receives funding authorized by sections 329, 330, and 340 of the United States Public Health Services Act.

*AUTHORITY: section 332.311.2, RSMo Supp. 2001. Emergency rule filed March 15, 2002, effective March 25, 2002, expires Sept. 20, 2002. A proposed rule covering the same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders. The commission is amending sections (1)–(10) and adding new sections (3) and (16).

PURPOSE: This amendment changes the requirements for cervids entering the state of Missouri to protect Missouri livestock and wildlife from the importation of diseases that potentially pose a threat to the public health, safety and welfare.

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be exhibited, propagated, reared or held in captivity by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location indicated on the permit.

(2) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state **and as provided in section (3) of this rule**; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.

(3) **Any cervid entering a Class I wildlife breeder operation that has ever been held in a state or province having a documented chronic wasting disease case shall be required to come from a herd comprised of animals that have been certified, through a United States Department of Agriculture approved or state-sponsored program, to be chronic wasting disease free for a minimum of three (3) years. Proof of such certification and all permits issued by the state veterinarian's office allowing cervids to enter Missouri must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time.**

(4) The wildlife may be used, sold, given away, transported or shipped; provided, that state- and federally-designated endangered species may not be sold without the written approval of the director; that skunks may not be imported, bought, sold, transported, given away or otherwise disposed of; that live raccoons, foxes and coyotes may not be imported; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section [(3)] **(8)** of this rule.

(5) Cities, towns and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply, no permit will be issued by the department.

(6) No Class I or Class II wildlife breeder permit is required for wildlife legally held by circuses, publicly-owned zoos or *bona fide* research facilities; however, those wildlife may not be held for personal use. Physical contact between humans and Class I and Class II wildlife in circuses must be restricted to the handlers, performers or other circus employees.

[(2)] **(7)** Any sale, shipment or gift of wildlife by a Class I or Class II wildlife breeder shall be accompanied by a written statement giving his/her permit number and showing the number of each species and the name and address of the recipient. No wildlife of any kind may be liberated unless specific permission has been granted on written application to the conservation agent in the district where the release is to be made.

[(3)] **(8)** Wildlife, except skunks, foxes, coyotes and raccoons may be shipped, transported or consigned to a wildlife breeder by non-residents without a Missouri wildlife breeder permit, but that wildlife shall be accompanied by appropriate permit or other proof of legality in the state of origin. Persons purchasing wildlife at consignment sales shall obtain a wildlife hobby or appropriate wildlife breeder permit prior to the purchase, except nonresidents may possess and transport purchased wildlife without permit for forty-eight (48) hours following close of the sale.

[(4)] (9) Notification of the date and place of any public sale of consigned wildlife shall be provided the conservation agent of the county in which the sale will be held not less than thirty (30) days prior to the sale.

[(5)] (10) The holder of a Class I or Class II wildlife breeder permit may exhibit wildlife at locations other than those listed on the permit.

[(6)] (11) None of these privileges shall extend to permitting the act of hunting for such stock except that big game mammals may be shot for purposes of herd management by the permit holder or his/her agents, but only by written authorization of the director.

[(7)] (12) No state permit shall be required of individuals holding migratory waterfowl under valid federal authorization.

[(8)] (13) No state permit shall be required for the propagation, sale or display of birds of prey by persons holding a valid federal permit; provided, that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit.

[(9)] (14) The holder of a Class II wildlife breeder permit shall report escaped animals immediately to an agent of the department.

[(10)] (15) The holder of a Class I wildlife breeder permit may sell legally-acquired dressed or processed quail, pheasants, partridges and game birds eggs at retail and to commercial establishments under provisions of 3 CSR 10-10.743, provided all sales are accompanied by a valid invoice and the required records are maintained by the wildlife breeder.

(16) Animal health standards and movement activities shall comply with all state and federal regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Amended: Filed March 11, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.565 Licensed [Shooting Area] Hunting Preserve: Privileges. The commission is amending section (1).

PURPOSE: This amendment addresses current disease risks associated with the interstate transport of cervids that potentially pose

a threat to the public health, safety and welfare; clarifies permit privileges; and, establishes a tagging standard for harvested wildlife.

(1) [An agent of the department shall inspect each proposed licensed shooting area to determine that it meets all requirements of this rule before a permit is issued.]

Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed [shooting area] hunting preserve permit may release on his/her licensed [shooting area] hunting preserve legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird [Shooting Area] Hunting Preserve.

1. The [shooting area] hunting preserve shall be a single body of land not less than one hundred sixty (160) acres nor more than six hundred forty (640) acres in size. [Shooting areas] Hunting preserves shall be posted with signs specified by the department. [Shooting area] Hunting preserve permits will not be issued for areas—

A. Within five (5) miles of any area where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application.

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife.

[2. The permittee shall keep an accurate record of all game birds of each species acquired, propagated, sold, held, released, the number of each species taken on the area and the full name and address of the taker. These records shall be maintained on the premises of the licensed shooting area, subject to inspection by an authorized agent of the department at any reasonable time.]

[3.] 2. The permittee shall attach to the leg of each game bird taken on the [area] preserve a leg band furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) bands.

[4.] 3. Any person taking or hunting game birds on a licensed [shooting area] hunting preserve shall have in his/her possession a valid hunting permit or licensed [shooting area] hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit.

[5.] 4. Game birds taken on a licensed [shooting area] hunting preserve may be possessed and transported only when bearing the prescribed leg band. Game birds may be taken in any numbers on such areas.

[6.] 5. The permittee must release during the shooting season at least one (1) game bird per acre of [shooting area] hunting preserve, with at least one-half (1/2) of the birds to be bobwhite quail, if quail are to be hunted outside the statewide season. All birds shall be from a source approved by the department.

(B) Big Game [Shooting Area] Hunting Preserve.

1. The [shooting area] hunting preserve for ungulates shall be a single body of land not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size, fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. **Fence height shall meet standards specified in 3 CSR 10-9.220.**

[2. The permittee shall keep an accurate permanent record of the number of each species acquired, propagated,

sold, released, the number of each species taken and the full name and address of the taker. These records shall be maintained on the premises of the licensed shooting area, subject to inspection by an authorized agent of the department at any reasonable time.]

2. Any cervid entering a big game hunting preserve operation that has ever been held in a state or province having a documented chronic wasting disease case shall be required to come from a herd comprised of animals that have been certified, through a United States Department of Agriculture approved or state-sponsored program, to be chronic wasting disease free for a minimum of three (3) years. Proof of such certification and all permits issued by the state veterinarian's office allowing cervids to enter Missouri must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time.

3. The permittee may exercise privileges provided in 3 CSR 10-9.353 for species held under the big game hunting preserve permit. Any breeding enclosure(s) contained within the big game hunting preserve shall meet standards specified in 3 CSR 10-9.220.

[3.] 4. Any person taking or hunting ungulates on a [licensed shooting area] big game hunting preserve shall have in his/her possession a valid licensed [shooting area] hunting preserve hunting permit. [Big game taken on those areas may be possessed and transported only when accompanied by a bill of sale showing the date, licensed shooting area permit number and name and address of the taker.] The permittee shall attach to the leg of each ungulate taken on the preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be [stamped] labeled with the licensed [shooting area] hunting preserve permit number.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Amended: Filed March 11, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED RULE

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required

PURPOSE: This rule requires that licensed hunting preserves maintain records on the premises that would include information

on species, purchase, sale, propagation, health certification, applicable permits and harvest, on a form furnished by the Department of Conservation.

Licensed hunting preserve permittees shall keep a current record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve and the full name, address, and permit number (if applicable) of each buyer, seller, shooter and/or taker, on forms provided by the department. These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the licensed hunting preserve and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Emergency rule filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Original rule filed March 11, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 110—Missouri Dental Board Chapter 2—General Rules

PROPOSED RULE

4 CSR 110-2.131 Definition of a Public Health Setting

PURPOSE: The purpose of this rule is to implement section 332.311, RSMo as amended by HB567 of the 91st General Assembly and defines the public health settings in which a dental hygienist may practice without the supervision of a dentist.

(1) For the purposes of section 332.311, RSMo only, the term "public health setting" shall be defined as a location where dental services authorized by section 332.311, RSMo are performed so long as the delivery of services are sponsored by a governmental health entity which includes:

- (A) Department of Health and Senior Services;
- (B) A county health department;
- (C) A city health department operating under a city charter;
- (D) A combined city/county health department; or

(E) A nonprofit community health center qualified as exempt from federal taxation under section 501(c)(3) of the *Internal Revenue Code* including a community health center that receives funding authorized by sections 329, 330, and 340 of the United States Public Health Services Act.

AUTHORITY: section 332.311.2, RSMo Supp. 2001. Emergency rule filed March 15, 2002, effective March 25, 2002, expires Sept. 20, 2002. Original rule filed March 15, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 110-2.132 Dental Hygienists—Equipment Requirements for Public Health Settings

PURPOSE: The purpose of this rule is to establish the minimum requirements for dental hygienists practicing in public health settings pursuant to section 332.311, RSMo.

(1) Any location where dental services are rendered pursuant to section 332.311, RSMo and 4 CSR 110-2.131 must be equipped with the following:

- (A) Compressed air;
- (B) Focus lighting;
- (C) Vacuum;
- (D) Appropriate equipment to clean tooth surfaces and place sealants; and
- (E) Emergency response kit without oxygen.

(2) Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines must be complied with while rendering dental services pursuant to section 332.311, RSMo and 4 CSR 110-2.131.

AUTHORITY: section 332.311.2, RSMo Supp. 2001. Original rule filed March 15, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of Instruction
Chapter 340—Supervision of Instruction**

PROPOSED RESCISSION

5 CSR 50-340.050 Policies and Standards for Summer School Programs. This rule established policies and standards for public school districts which choose to conduct summer school programs that would have qualified for state aid in accordance with section 163.031, RSMo.

PURPOSE: This rule is being rescinded and resubmitted as changes are being proposed in the fiscal note.

AUTHORITY: sections 161.092(2), 163.011, 163.021(2) and 163.031, RSMo 1994. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Rescinded: Filed March 1, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, Division of Administrative and Financial Services, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—Missouri School Improvement Program**

PROPOSED RULE

5 CSR 50-340.050 Policies and Standards for Summer School Programs

PURPOSE: This rule establishes policies and standards for public school districts which choose to conduct summer school programs that will qualify for state aid in accordance with section 163.031, RSMo.

(1) Summer school programs may be held any time between the close of the regular school term and the beginning of the next regular term and must be approved by the local school board. A summer school program shall consist of a planned schedule of course offerings for resident students at the elementary or high school level. An approved summer school program for nonhandicapped students must be in session for at least one hundred twenty (120) clock hours. Summer school programs for handicapped students must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with the Individual Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Each approved summer school program shall have at least the required minimum clock hours of instruction. An elementary summer school program may include any combination of grades kindergarten through eight (K-8). A high school summer school program may include any combination of grades seven through twelve (7-12). Elementary and high school summer school programs may not be combined to meet the minimum clock-hour requirement. A

school district may operate one (1) or more summer school programs at any level. Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements.

(3) The curriculum in an approved summer school program at any level must include one (1) or more of the following academic areas as the major portion of the clock hours of instruction in the program: elementary school—language arts, mathematics, science, social studies; and high school—language arts, mathematics, science, social studies, practical arts.

(A) Any course which may be offered in the regular school term may be approved as part of the summer school program. Special approval must be requested for summer school courses that would require special approval during the regular term.

(B) The following are examples of courses which may be approved as part of the summer school program but must be in addition to, and not in place of, the academic areas: driver education, art, crafts, physical education and music.

(C) Activities such as gymnastics, weight lifting, tennis and swimming lessons conducted under the sponsorship of the school cannot be included as part of the approved summer school program unless they are an integral part of a comprehensive physical education course which is part of the scheduled clock hours of instruction in the approved summer school program.

(D) Activities such as recreation programs, athletic practices, isolated music rehearsals and isolated band practices may be offered by the school but shall not be included as part of the clock hours of instruction in an approved summer school program and shall not be counted for summer school membership and attendance for state aid purposes.

(4) The attendance of resident pupils between the ages of six and twenty (6-20) in grades one through twelve (1-12) and pupils five (5) years old attending kindergarten in approved summer school programs may be counted for summer school state aid purposes in accordance with state law.

(5) Effective with the 2002 summer school, individual school district's summer school average daily attendance (ADA) that does not exceed three percent (3%) of the ADA for the regular school term following the summer school shall be doubled for state aid purposes. The portion of a district's summer school ADA greater than three percent (3%) of the ADA for the regular school term following the summer school shall count once for state aid purposes.

(6) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school pupils may earn one-half (1/2) unit of high school credit for laboratory courses which meet at least seventy-five (75) clock hours and one-half (1/2) unit of high school credit for other courses which meet for sixty to seventy-five (60-75) clock hours. One-fourth (1/4) unit of high school credit may be granted for driver education classes which provide thirty (30) clock hours of classroom instruction, six (6) clock hours behind the wheel and twelve (12) clock hours as an observer in a driver education car. Minimum time requirements exclude any passing time, break time and lunch time.

(7) Summer school teachers shall have Missouri certification at the appropriate level in the area of service.

(8) Transportation for handicapped summer school pupils is reimbursable as pursuant to the State Board of Education's regulations.

(9) School food services for summer school pupils are not required but may be provided.

(10) Facilities and equipment used for summer school shall be of a quality equal to that used during the regular term.

(11) Textbooks, library resources and other instructional materials and aids shall be of a quality equal to that used during the regular term.

(12) State Board of Education's classification standards pertaining to class size are applicable to summer school programs.

(13) Department of Elementary and Secondary Education (DESE) staff will review applications for approval of summer school programs, consult with local school officials as needed and approve eligible summer school programs for state aid. Approved summer school programs will be visited and reviewed by DESE.

(14) Local school districts must keep individual pupil membership and attendance records for summer school programs. The summer school records shall be audited as required by law.

(15) Summer school program applications and reports shall be submitted in a form and at a time as may be required by the DESE.

AUTHORITY: sections 161.092, 163.021 and 163.031, RSMo 2000 and 163.011, RSMo Supp. 2001. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Rescinded and readopted: Filed March 1, 2002.

PUBLIC COST: This proposed rule is estimated to cost the Department of Elementary and Secondary Education \$56,717,990 for the Fiscal Year 2002, with that cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Gerri Ogle, Associate Commissioner, Division of Administrative and Financial Services, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 – Department of Elementary and Secondary Education

Division: 50 – Division of School Improvement

Chapter: 340 – Missouri School Improvement Program

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 50-340.050 Policies and Standards for Summer School Programs

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	\$56,717,990 for FY02. Cost recurring annually for the life of the rule based on yearly appropriations from the General Assembly.
Public Elementary and Secondary School Districts	School Districts have indicated that the state funding is equal to or greater than the cost of providing the summer school program.

III. WORKSHEET

The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$56,717,990 for Fiscal Year 2002, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

The summer school funding is distributed to public school districts through the foundation formula pursuant to state law who have a summer school program meeting the requirements of the State Board of Education regulations.

School Districts have indicated that the state funding is equal to or greater than the cost of providing the summer school program.

The Department of Elementary and Secondary Education administers the foundation formula in which districts are paid on the doubled summer school average daily attendance (ADA). This rule limits the portion of the summer school ADA that is doubled to 3% of the following regular term ADA. The 2000 summer school data yielded 18,584 ADA. The summer school ADA that exceeded 3% of the 2000-01 regular term ADA was approximately 3,290.

Estimated Cost of Summer School for ADA less than or equal to 3% of the regular term ADA:

$$(18,584 - 3,290) \times 2.75 \text{ minimum tax rate} \times 134,855/100 \text{ Guaranteed Tax Base} \\ (\text{GTB}) = \$56,717,990$$

Previously the Department had limited the portion of the summer school ADA that is doubled to 5% of the regular term ADA. The estimated cost at 5% is:

$$(18,584 - 1,003) \times 2.75 \text{ minimum tax rate} \times 134,855/100 \text{ Guaranteed Tax Base} \\ (\text{GTB}) = \$65,199,358$$

This rule limits the portion that is doubled to 3% of the following regular term ADA thereby saving the state approximately \$8,481,368.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The board proposes to amend subsection (1)(B) and Appendix A.

PURPOSE: This amendment clarifies the appropriate exit assessments to be used with new areas of initial certification and the tests that the Educational Testing Service is replacing.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate.

(B) In addition to the previously described assessments, the board will accept successful completion of the National Board for Professional Teaching Standards (NBPTS) assessment as meeting the exit assessment requirement for Missouri. Therefore, applicants seeking a Missouri certificate of license to teach having certification granted by the NBPTS are not required to take the *[designated Missouri]* exit assessment **designated by the board** in the content area for which they hold NBPTS certification.

APPENDIX A

ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Early Childhood Education, Birth–Grade 3	10020	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English-Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ¹ [/(Vocational and Non-Vocational/)]	10120	Family and Consumer Sciences
Foreign Language:		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music: [/(Instrumental, Vocal/)] K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	[20231] 20235	Biology: Content Knowledge[, Part 1]
Chemistry	[20241] 20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	[10261] 10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
[Spanish K–12]	[10191]	[Spanish: Content Knowledge]
Special Education K–12		
Mild-Moderate Cross-Categorical Disabilities²	20353 and 10542	Education of Exceptional Students: Core Content Knowledge Education of Exceptional Students: Mild to Moderate Disabilities
Special Education K–12 ^{1/3}	10350	Special Education
Mild-Moderate Disabilities (except cross-categorical), Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled		
Speech/Theater	10220	Speech Communication
Speech and Language Specialist K–12 ^{3/5}	20330	Speech-Language Pathology
Unified Science ^{4/2}	—	—
Biology	[20231] 20235	Biology: Content Knowledge[, Part 1]
Chemistry	[20241] 20245	Chemistry: Content Knowledge

Earth Science	20571	Earth Science: Content Knowledge
Physics	[10261] 10265	Physics: Content Knowledge
K-12 or 9-12 teaching certification for which no specialty area assessment or content knowledge assessment is designated.	30524	Principles of Learning and Teaching, Grades 7-12
School Counselor K-8, 7-12 ^[3/5]	20420	School Guidance and Counseling
School Psychologist K-12⁵	10400	School Psychologist
Building-Level Administrator ^[3/5]	11010	School Leaders Licensure Assessment (SLLA)
Principal K-8, 9-12		
Special Education Administrator K-12		
Vocational School Director		
District-Level Administrator (Superintendent) K-12 ^[3/5]	11020	School Superintendent Assessment (SSA)

1. Additional certification by completion of the designated assessment only is limited to Non-Vocational.

[1.] **2.** Additional certification by completion of the designated assessments only is limited to Mild-Moderate *[Disabilities:]* Cross-Categorical **Disabilities**.

3. Additional certification by completion of the designated assessment only is not applicable in these categories of special education.

[2.] **4.** Not available by completion of the designated assessment only; also requires completion of a program of study for the unified science core with the area of specialization from a state-approved institution.

[3.] **5.** Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.011, 168.021, 168.071, 168.081, 168.400, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost each applicant for certification an average of one hundred thirty-two dollars (\$132) for the Fiscal Year 2003, with that cost recurring annually over the life of the rule. The rule will cost all private entities one hundred seventy-three thousand, five hundred fifty dollars (\$173,550) for Fiscal Year 2003, with that cost recurring annually over the life of the rule, based on one thousand three hundred ten (1,310) individuals taking the Praxis II assessment for the designated certificates of license to teach. A fiscal note containing the estimated cost per individual has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education. Attention: Dr. Mike Lucas, Director of Teacher Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Title: Department of Elementary and Secondary Education

Division: Teacher Quality and Urban Education

Chapter: Teacher Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the proposed amendment:	Classification by type of the entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the amendment by the affected entities:
Applicants for Certificate of License to Teach in Missouri = 1,310 per year	Applicants for Certification of License to Teach in Missouri	\$ 132 per person per year \$ 173,550 aggregate cost for Fiscal Year 2003, with that cost reoccurring annually over the life of the rule.

III. WORKSHEET

The estimates attend to the cost to applicants for taking the Praxis II assessments as a requirement for certification of license to teach in Missouri:

ESTIMATED COSTS

- Applicants for certification will incur costs for taking the Praxis II assessments required for certification.
- Costs include the price of the assessment itself and the registration fee charged by the testing company. The cost for each assessment varies according to the length and type of assessment.
- Based upon information provided by the department the following per year costs are estimated for applicants for certification in the following areas:

Certification Area	No. of Applicants	Cost	Totals
Biology, Grades 9-12	160 applicants	x \$ 105 =	\$ 16,800
Chemistry, Grades 9-12	60 applicants	x \$ 105 =	6,300
Physics, Grades 9-12	20 applicants	x \$ 105 =	2,100
General Science, Grades 9-12	150 applicants	x \$ 105 =	15,750
Special Education: MMCC, K-12	900 applicants	x \$ 145 =	130,500
School Psychologist, K-12	20 applicants	x \$ 105 =	2,100

Total Cost = \$173,550/year*

*The total private entity annual cost is based upon the upper limit of the cost estimates of each component.

IV. ASSUMPTIONS

These costs may recur each year for the life of the rule and may vary slightly due to inflation.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-2.080 Emission of Visible Air Contaminants From Internal Combustion Engines. This rule prohibited the emission of excessive visible air contaminants from an internal combustion engine. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: The rescission of this rule is proposed because it is obsolete and superseded by the newer opacity rule, 10 CSR 10-6.220, that consolidated rule requirements for consistency. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a memorandum from the staff dated June 6, 2000 advising of an obsolete reference callout in this rule. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Rescinded: Filed Feb. 28, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-5.180 Emission of Visible Air Contaminants From Internal Combustion Engine. This rule prohibited the emission of excessive visible air contaminants from an internal combustion engine. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: The rescission of this rule is proposed because it is obsolete and superseded by the newer opacity rule, 10 CSR 10-6.220, that consolidated rule requirements for consistency. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a memorandum from the staff dated June 6, 2000 advising of an obsolete reference callout in a related rule. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Rescinded: Filed Feb. 28, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants. The commission proposes to delete subsection (1)(A) and renumber subsections (1)(B) through (1)(J). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan.

PURPOSE: This amendment removes references to obsolete rules. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a memorandum from the staff dated June 6, 2000 advising of an obsolete reference callout in a related rule. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

(1) Applicability. This rule applies to all sources of visible emissions throughout the state of Missouri with the exception of the following:

[(A) Internal combustion engines except as provided in rules 10 CSR 10-2.080 and 10 CSR 10-5.180;]

[(B)] (A) Wood burning stoves or fireplaces used for heating;
[(C)] (B) Fires used for recreational or ceremonial purposes or fires used for the noncommercial preparation of food by barbecuing;
[(D)] (C) Fires used solely for the purpose of fire-fighter training;
[(E)] (D) Smoke generating devices when a required permit (under 10 CSR 10-6.060 or 10 CSR 10-6.065) has been issued or a written determination that a permit is not required has been obtained;
[(F)] (E) The pyrolysis of wood for the production of charcoal in batch-type charcoal kilns (Emissions from batch-type charcoal kilns shall comply with the requirements of 10 CSR 10-6.330 Restriction of Emissions From Batch-Type Charcoal Emissions);
[(G)] (F) Truck dumping of nonmetallic minerals into any screening operation, feed hopper or crusher;
[(H)] (G) Emission sources regulated by 40 CFR part 60 and 10 CSR 10-6.070;
[(I)] (H) Any open burning that is exempt from applicable open burning rules 10 CSR 10-2.100, 10 CSR 10-3.030, 10 CSR 10-4.090 and 10 CSR 10-5.070; and
[(J)] (I) Incinerators used to burn refuse in the outstate area of Missouri.

AUTHORITY: section 643.050, RSMo [Supp. 1998] 2000. Original rule filed March 31, 1999, effective Nov. 30, 1999. Amended: Filed Feb. 28, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 7—Driver and Vehicle Equipment Regulations**

PROPOSED RULE

11 CSR 30-7.010 Motor Vehicle Window Tinting Permits

PURPOSE: This rule establishes procedures for the issuance of motor vehicle window tinting permits as authorized by section 307.173, RSMo.

(1) An applicant, upon proper presentation of a prescription issued by his/her physician stating s/he has a serious medical condition requiring its use, may be issued a permit (SHP-524) to operate a motor vehicle with a front side wing vent or window that has a sun

screening device that has a light transmission of less than thirty-five percent (35%).

(2) Persons requiring such permit will:

(A) Obtain a prescription issued within one (1) year of application, from his/her physician indicating s/he has a serious medical condition that requires vehicle window tinting with less than thirty-five percent (35%) light transmission applied to the front side vent(s) or window(s);

(B) Present the prescription and the vehicle for which the permit is to be issued to the Missouri State Highway Patrol, Motor Vehicle Inspection Division;

(C) If a permit for more than one (1) vehicle is requested, only one (1) prescription is required. All vehicles must be presented.

(3) The certifying officer or motor vehicle inspector will:

(A) Verify the physician's prescription for authenticity;

(B) Complete an SHP-524 form in triplicate, utilizing the vehicle presented to fill in the applicable blanks on the form;

(C) Affix the sticker to the inside of the windshield, on the lower left side, slightly above where the inspection sticker should be affixed. Affix the decal to the outside of the lower left corner of the rear glass or left corner of the rear bumper, at the vehicle owner's option;

(D) Provide the applicant with the appropriate copy of the form and instruct him/her to maintain the copy in the vehicle at all times.

(4) The window tinting permit will remain valid during the current ownership of the vehicle. To obtain a replacement permit, the procedures outlined in sections (2) and (3) will be followed.

(5) Window tinting permits issued prior to August 28, 2001, which allowed a vehicle to be operated with vision reducing material in excess of thirty-five percent (35%) applied to the windshield, front side vents and front side windows pursuant to a physician's prescription are considered to be valid for the propose of this rule.

AUTHORITY: section 307.173, RSMo [1994] Supp. 2002. Original rule filed Sept. 8, 1987, effective Dec. 12, 1987. For intervening history, please consult the Code of State Regulations. Emergency rule filed Feb. 20, 2002, effective March 4, 2002, expires Aug. 30, 2002. Readopted: Filed Feb. 20, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Public Safety, Attention: Charles R. Jackson, Director, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices. The commission is amending section (1).

PURPOSE: This amendment establishes the time and location at which Class A licensees are required to display the actual aggregate payout percentage for electronic gaming devices.

(1) A holder of a Class A license shall **by the tenth day of each calendar month display at the entrance to the gaming floor and on the front of the main cashier cage** the *[minimum theoretical]* **actual** aggregate payout percentage **to the nearest one-tenth percent (0.1%)** of all of the electronic gaming devices **of each denomination in operation for each of the three (3) preceding calendar months.**

AUTHORITY: sections 313.004 and 313.805, RSMo [1994] **2000**. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities thirteen thousand dollars (\$13,000) in the aggregate. Please see attached fiscal note.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, MO 65109.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 5 - Conduct of Gaming

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
13 Class A Licensees	Riverboat Casinos	\$13,000

III. WORKSHEET

13 Class A Licensees x \$1,000 per licensee = \$13,000

IV. ASSUMPTIONS

Each of the Class A licensees presently calculate the required percentages and provide this information to the Missouri Gaming Commission on a monthly basis. The time required by personnel of each licensee to post the payout percentages each month as well as the cost of the signage itself should be minimal. Therefore, a projected cost of \$1,000 per licensee annually should more than cover the costs of complying with the proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.075 Payout Percentage for Progressive Table Games. The commission is amending provisions of this rule.

PURPOSE: This amendment clarifies the manner in which progressive wagers shall be distributed.

Table games that include progressive jackpots shall include a progressive meter, visible to the public. *[, set at a rate of progression of no] No less than seventy percent (70%) [distribution] of all progressive wagers made shall be distributed* to the player and no more than *[a] thirty percent (30%) [distribution] shall be distributed* to the Class A licensee. If any part of the distribution to the progressive jackpot(s) is being used to fund a secondary jackpot, visible signage informing players of this supplemental distribution must be placed in the immediate area of the table. The existence of progressive jackpots and the distribution to those jackpots shall be set forth in the "rules of the game" within a licensee's internal controls for each game having a progressive jackpot(s). Any table game not meeting this distribution requirement shall be deemed an unauthorized gambling game.

AUTHORITY: sections 313.004, 313.805, [RSMo 1994] and 313.807, RSMo [Supp. 1999] **2000**. Original rule filed May 10, 2000, effective Nov. 30, 2000. Amended: Filed March 1, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, MO 65109.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. This amendment updates the "Minimum Internal Control Standards which are incorporated by reference in this rule."

PURPOSE: The purpose of the proposed Minimum Internal Control Standards is to provide specific rules governing pit areas and supervision of the pits by changing Section D 74 and 75.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo [1994] **2000**. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 1, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment could cost some private entities more than five hundred dollars (\$500) in the aggregate. It is anticipated that those entities would be two (2) or three (3) of the larger casinos that would chose to operate more than thirty-six (36) table games at one time. Such operations, if used, would conceivably be limited to peak times. Cost savings are expected to result from this rule for most casinos during the majority of the time in that this rule will preclude the need for some casinos to reconfigure their pit arrangements and one (1) pit manager may be used to oversee multiple pit areas instead of having a separate pit manager for each area. Savings may also be realized during light times when less than seven (7) total tables are in operation as the duties of the pit manager may be assumed by the casino shift manager. Costs and/or savings will vary from property to property depending on present staffing levels, casino design, size of the operation, and other variables.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, PO Box 1847, 3417 Knipp Drive, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule are requested to submit cost (estimated or actual, if available) with the comments. A public hearing is scheduled for 10:00 a.m. on May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 9 – Internal Control System

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-9.030 – Minimum Internal Control Standards

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3 Class A Licensees	Riverboat Casinos	\$74,880

III. WORKSHEET

52 weeks x 2 nights = 104 nights
104 nights x 8 hours = 832 hours
832 hours x \$30/hr.= \$24,960
\$24,960 x 3 Class A Licensees = \$74,880

IV. ASSUMPTIONS

MINIMUM INTERNAL CONTROL STANDARDS

SECTION D - LIVE GAMES (TABLE GAMES)

Required Personnel

74. At least one table games supervisor shall be on duty in the pit providing direct supervision of each four open gaming tables if any one of the tables being supervised is a craps table. At least one table games supervisor shall be on duty in the pit providing direct supervision of each six open gaming tables provided none of those six in operation is a craps table.

In addition to table games supervisors, oversight of table games, table games supervisors, and pit operations will be directly supervised according to the following chart.

Tables Open	Table Games Managers	Casino Shift Manager acting as a part-time Table Games Manager
1 craps table	0	1
1-6 total tables	0	1
2 or more craps tables	1	Not Allowed
7-36 total tables	1	Not Allowed
Each additional 1-36 tables	1 additional	Not Allowed

Other than a casino shift manager acting as a table games manager, table games managers shall be physically present in the pit(s) and be solely dedicated to supervising activities at open table games and activities within the pit(s). If a licensee uses job titles other than "table games supervisor" and /or "table games manager," the internal controls will specify which job titles used by the licensee correspond to these positions and ensure the job descriptions of those positions properly delineate the duties. Table games managers supervising pit areas separated by sight or sound shall have a communications device enabling them to be immediately notified of any incident requiring their attention and shall promptly respond when notified. The casino shift manager will assign table games managers specific responsibilities regarding activities associated with specific tables.

75. The pit area(s) shall be described by the Class A licensee in their internal controls at a minimum by their location(s), configuration(s), and restrictions on access.

Forms Corrections

76. Corrections on table fill/credit, opener and closer documentation shall be made by crossing out the error, entering the correct figure, and then obtaining the initials of at least two table games employees. If a computer generated reporting system is utilized, corrections to table games data shall be made using either of the following:

Note: Sections 313.800 through 313.850, RSMo., et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED RULE

11 CSR 45-30.025 Bingo Promotions

PURPOSE: This rule establishes the general guidelines and restrictions licensed charitable organizations must follow to conduct "free no charge" promotional events in conjunction with their bingo game, pursuant to section 313.040, RSMo.

(1) Bingo promotions are defined as free drawings, free pull tabs, free bingo paper, birthday packs, free merchandise, or any type of free games offered in conjunction with a bingo event in which a cash, merchandise, or other item of value is awarded.

(2) Bingo promotions are not an authorized cost of conducting a bingo game under section 313.040, RSMo. Any bingo promotion a licensee may chose to conduct in conjunction with a licensed bingo event shall be entirely funded from non-bingo funds or donations.

(3) Prizes awarded from bingo promotions will not count against the three thousand six hundred dollars (\$3,600) maximum that a licensed organization may award during any single bingo event.

(4) Individuals participating in the management or conduct of a bingo promotion and bingo workers for a bingo session involving a bingo promotion may not receive anything of value through that promotion. All other persons sixteen (16) years of age or older will be eligible to enter the bingo hall and participate in the drawing or game without any charge whatsoever, including admission fees, and with no solicitation of any kind for donations to participate.

(5) Bingo promotions will be conducted within compliance of all applicable laws and regulations and in such a manner that the chance of winning any promotional drawing or game shall be equal for all participants. Bingo selection equipment may be used to determine the winner of a bingo promotion.

(6) Licensees will grant Gaming Commission personnel access to all records related to promotions offered in conjunction with licensed bingo upon request.

AUTHORITY: section 313.065, RSMo 2000. Original rule filed March 1, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, Bingo Division, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on May 7, 2002, in the commission hearing room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 4—Coordinated Health Care Services**

PROPOSED RULE

19 CSR 10-4.040 Definition of a Public Health Setting

PURPOSE: The purpose of this rule is to implement section 332.311, RSMo as amended by HB567 of the 91st General Assembly and defines the public health settings in which a dental hygienist may practice without the supervision of a dentist.

(1) For the purposes of section 332.311, RSMo only, the term "public health setting" shall be defined as a location where dental services authorized by section 332.311, RSMo are performed so long as the delivery of services are sponsored by a governmental health entity which includes:

(A) Department of Health and Senior Services;

(B) A county health department;

(C) A city health department operating under a city charter;

(D) A combined city/county health department; or

(E) A nonprofit community health center qualified as exempt from federal taxation under section 501(c)(3) of the *Internal Revenue Code* including a community health center that receives funding authorized by sections 329, 330, and 340 of the United States Public Health Services Act.

AUTHORITY: section 332.311.2, RSMo Supp. 2001. Emergency rule filed March 15, 2002, effective March 25, 2002, expires Sept. 20, 2002. Original rule filed March 15, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with M. Dean Perkins, D.D.S., M.P.H., Chief, Oral Health Policy Unit, Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 2001, the commission adopts a rule as follows:

4 CSR 240-2.045 Electronic Filing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 106). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received requesting that the rule provide additional detail regarding the process of electronic filing.

COMMENT: One comment from Southwestern Bell Telephone Company was received which suggested that section (1) of the rule should include additional details regarding the process of electronic filing. The commenter noted that the rule as proposed does not address the electronic filing of documents requiring either verification or an affidavit. The commenter stated that by simply directing interested parties to the commission's website and instructing

them to follow the instructions for electronic filing found there, that the commission was not providing sufficient details regarding the commission's implementation of electronic filing.

RESPONSE: The commission disagrees with the commenter that section (1) of the proposed rule does not provide sufficient details regarding the commission's implementation of electronic filing. The commission's website includes an electronic filing portal with simple instructions covering all details of the process, including those specifically noted by the commenter. The commission considers it inappropriate to promulgate those instructions as a rule. Furthermore, the electronic filing of documents requiring verification or an affidavit is addressed elsewhere. Therefore, the commission finds that the rule is appropriate as proposed and that no changes are necessary.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of School Services Chapter 4—General Administration

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 160.522, RSMo Supp. 2001, the board rescinds a rule as follows:

5 CSR 30-4.040 Annual Public Reporting of Information by School Districts is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2283). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of School Services Chapter 4—General Administration

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo 2000, the board rescinds a rule as follows:

5 CSR 30-4.045 Collection of School District Reports is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2283-2284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and Financial
Services
Chapter 660—School Finance**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 163.011, RSMo Supp. 2001, the board rescinds a rule as follows:

5 CSR 30-660.030 Determination of the Cost of Education Index **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and Financial
Services
Chapter 660—School Finance**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 163.172, RSMo 2000, the board rescinds a rule as follows:

5 CSR 30-660.040 Minimum Salaries **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and Financial
Services
Chapter 660—School Finance**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 163.031, RSMo 2000, the board rescinds a rule as follows:

5 CSR 30-660.050 Calculation of the Previous Amounts Per Eligible Pupil **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after the publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.538 and 161.092, RSMo 2000, the board amends a rule as follows:

5 CSR 50-340.110 Policies and Standards Relating to Academically Deficient Schools **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2103). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.522, RSMo Supp. 2001 and 161.092, RSMo 2000, the board adopts a rule as follows:

5 CSR 50-340.200 Annual Public Reporting of Information by School Districts **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2284–2289). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The Missouri National Education Association (MNEA) comment supports public reporting but cautions reporting information that singles out an individual student or education professional. MNEA further urges DESE to revise paragraph (2)(D)3. of the rule so that only classroom teachers are reflected in the classroom teacher count.

RESPONSE: In reference to the concern of singling out an individual student or education professional, every effort was made to avoid this possibility, however, in order to comply with the legislation there may be instances where the size of the school and number of staff members and students would increase this possibility. The intent of the rule is to reflect only teachers in the classroom teacher count. Only educators reported with position code 60 (which are teachers) are to be included in paragraph (2)(D)3. Librarians (position code 40), counselors (position code 50), and other ancillary staff (position codes 70 and 90) are not to be included. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.585, RSMo 2000, the board rescinds a rule as follows:

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2103). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 178.585, RSMo 2000, the board adopts a rule as follows:

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2103–2105). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 15—Aboveground Storage Tanks—Release
Response**

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the commission adopts a rule as follows:

10 CSR 20-15.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1992–1993). Changes made in the text of the proposed rule as a result of comments received, are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF TESTIMONY: During the public hearing before the Missouri Clean Water Commission on November 28, 2001, the

department testified that the release response requirements are intended to prevent any discharged contaminants from polluting the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The department testified that this proposed rule specifies which aboveground storage tanks must comply with the technical requirements contained in the chapter.

SUMMARY OF COMMENTS:

COMMENT: One of the commissioners requested a clarification on the applicability of the proposed rules in Chapter 15 to farm tanks and where the exclusion for farm tanks is stated in the proposed rule. The commissioner inquired whether tanks greater than one thousand one hundred (1,100) gallons in size were not eligible for the exclusion in 10 CSR 20-15.010(2)(B).

RESPONSE AND EXPLANATION OF CHANGE: Staff explained that, as the term aboveground storage tank (AST) is defined, only ASTs utilized to store product for sale or resale purposes are subject to the requirements of the proposed rules. Staff agree that, because the definition already excludes any farm or residential tanks used for storing motor fuel for noncommercial purposes, regardless of size, the limitation to ASTs of a certain size contained in the exclusion in 10 CSR 20-15.010(2)(B) is confusing. In the order of rulemaking, language has been added to this section of the regulation to clarify that all farm tanks are excluded, regardless of size, provided they are used for noncommercial purposes.

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund noted that the definition of “aboveground storage tank” contains the same exclusions found in section 319.100, RSMo and in definitions used in PSTIF regulations and documents. The comment noted that maintaining this conformity will eliminate confusion among the regulated public.

RESPONSE: The comment is noted and the department agrees that consistency in the definition of common terms does indeed eliminate unnecessary confusion. No change was made as a result of this comment.

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund noted that the definition of “regulated substance” includes certain alternative motor vehicle fuels which are not covered by the definitions governing the PSTIF. Therefore, tanks storing these substances which have a release will be subject to the rules governing cleanup, but will not be eligible for monies from the PSTIF.

RESPONSE: The department is aware that tanks storing certain alternative motor vehicle fuels for resale purposes are subject to the requirements of the proposed rules, but are not eligible for fund benefits. Although no change was made as a result of this comment, the department appreciates the opportunity to clarify that not all tanks included in the definition of “aboveground storage tank” in this proposed rule are eligible for monies from the PSTIF.

COMMENT: During a meeting with members of the Missouri Petroleum Marketers and Convenience Store Association, it was noted that the term “any person” in 10 CSR 20-15.010(8)(A) places no limitations upon the qualifications of the person observing regulated substances in the environment and therefore establishing a confirmed release for purposes of the rule. A member suggested to add the term “qualified” so that the language in question would read “any qualified person.” Therefore, a release would not be confirmed until a qualified person discovers the presence of contamination in the environment.

RESPONSE AND EXPLANATION OF CHANGE: The department considered the additional language that was suggested. However, a question came up as to how to define the term “qualified.” Instead of attempting to explain in the regulation who would be considered a “qualified person” and therefore capable of confirming a release, the department decided to remove the reference to “any person” entirely. In addition to making this change in response to the comment, the department further responds that a release will only be considered confirmed for purposes of this rule if the initial investigation of a release turns up physical evidence of a release at the site. A release will not be considered “confirmed” based on a complaint alone.

10 CSR 20-15.010 Applicability and Definitions

(2) “Aboveground storage tank (AST)” or “AST System” means any one (1) or a combination of tanks, including pipes connected thereto, used to contain an accumulation of regulated substances and the volume of which, including the volume of the aboveground pipes connected thereto, is more than ninety percent (90%) above the surface of the ground, and is utilized for the sale of products regulated by Chapter 414, RSMo. The term does not include those tanks listed below or aboveground storage tanks at petroleum pipeline terminals. The following are not considered aboveground storage tanks:

(A) Underground storage tanks (USTs) as defined in 319.100, RSMo;

(B) Farm or residential tanks, regardless of size, used for storing motor fuel for noncommercial purposes;

(8) “Release” includes, but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of regulated substances from an AST onto the ground surface or into groundwater, surface water, or subsurface soils.

(A) A release is “confirmed,” for purposes of the rules in this chapter, upon discovery or observation of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 15—Aboveground Storage Tanks—Release Response

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the commission adopts a rule as follows:

10 CSR 20-15.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1993–2004). Changes made in the text of the proposed rule as a result of comments received, are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF TESTIMONY: During the public hearing before the Missouri Clean Water Commission on November 28, 2001, the department testified that the release response requirements are intended to prevent any discharged contaminants from polluting the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the

state. The department testified that this proposed rule establishes procedures for reporting suspected releases, responding to releases and the subsequent steps necessary to ensure that a release is properly investigated and cleaned up. The department further testified that the proposed rule also establishes requirements for verification of a release, and for conducting off-site investigations following reported or suspected releases if off-site migration is suspected.

SUMMARY OF COMMENTS:

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund commented that the Purpose Statement for 10 CSR 20-15.030 contains the sentence:

“This rule describes the first steps that shall be taken to abate or stop the spread of contaminants, mitigate and determine the extent of the release, and requires spilled free product to be collected and removed from the environment immediately.”

Because this sentence describes requirements that are actually established in 10 CSR 20-15.020, the commenter questioned whether this sentence should be moved to the Purpose Statement for 10 CSR 20-15.020.

RESPONSE AND EXPLANATION OF CHANGE: As noted in the comment, the requirements referenced in the sentence in question are contained in 10 CSR 20-15.020. In the order of rulemaking, the sentence has been removed from the Purpose Statement for 10 CSR 20-15.030 and included in the Purpose Statement for 10 CSR 20-15.020.

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund expressed support for 10 CSR 20-15.020(3), the portion of the regulation that contains exceptions to the release response requirements. The commenter noted that this limits the costs incurred in response to small releases, allowing both tank owners and insurers to direct available financial resources to situations that pose a clear threat to human health or the environment.

RESPONSE: The comment is noted and the department agrees that it is appropriate to focus on those situations that clearly pose a threat to human health and the environment. No change was made as a result of this comment.

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund commented that section 10 CSR 20-15.020(8) of the proposed rule requires a tank owner’s consultant to continue “free product recovery” activities until the department determines that such actions are no longer necessary. However, the commenter suggests a minor clarification with regard to what activities can be initiated without waiting for the approval of the department. In some cases, consultants will implement a procedure to check monitoring wells and recover the free product as often as necessary. Over several weeks, as the amount of free product appearing in the wells becomes less, it may no longer be necessary to visit the site and recover free product as frequently. The PSTIF desires to impose on the owner and his consultant an obligation to slow the frequency of site visits, when justified, in order to conserve PSTIF resources without waiting for the department’s affirmation that such action is acceptable. The following is suggested as additional language: “Any actions initiated or required under this section shall be continued until the department determines otherwise, except that the owner may decrease the frequency of such actions if it is reasonable and prudent to do so.”

RESPONSE AND EXPLANATION OF CHANGE: The comment is noted and the department concurs that, in some situations, based upon the success of the free product recovery measures implemented at a release site, it may be appropriate to subsequently decrease the frequency of site visits for free product recovery purposes. However, it is important for the department to maintain the ability to review any changes proposed to free product recovery efforts at a site and to make appropriate modifications or to deny

the request as necessary. Therefore, the order of rulemaking contains a change to this portion of the regulation that allows the owner/operator to propose changes to free product recovery efforts in writing at least five (5) days in advance of the implementation date. Based upon its review of the proposal, the department has the ability to deny the request or make appropriate modifications to the request, as necessary to limit the potential release of contaminants to the waters of the state.

COMMENT: During a meeting with members of the Missouri Petroleum Marketers and Convenience Store Association, it was noted that 10 CSR 20-15.020(6)(B) places no time limit on the agency's option to require investigation of an AST site following permanent closure.

RESPONSE: The department's ability to require investigation of a site previously closed is expressly limited to situations where the department can document a release that is causing an impact to the environment. The fact that a certain amount of time has passed since the AST site has been closed does not eliminate the potential threat to human health and the environment or to the waters of the state. If there is product in the environment, the department needs to be able to determine where it came from, regardless of when the ASTs were closed and removed. No change was made in response to this comment.

COMMENT: A representative of Williams and Company questioned a reference in 10 CSR 20-15.020(9) of the rule to rule number 10 CSR 20-15.050 and whether there was a rule by that number or whether this was a typographical error.

RESPONSE AND EXPLANATION OF CHANGE: There is no rule number 10 CSR 20-15.050. The reference in the rule remains from a previous version of the rules that contained a rule by that number. The order of rulemaking contains a change to make this correction to reference the correct rule number, which is 10 CSR 20-15.030.

10 CSR 20-15.020 Release Reporting and Initial Release Response Measures

PURPOSE: The Missouri Clean Water Commission is responsible for adopting rules necessary to prevent, control and abate potential discharge of contaminants to the waters of the state. Releases of petroleum and other regulated substances from aboveground storage tanks and associated piping, primarily from ASTs located at service stations, marinas, bulk plants, and fleet fueling facilities, have been documented throughout the state. While the applicable Department of Agriculture regulations focus on prevention of such releases, there are currently no specific requirements for release response measures that must be taken to protect the environment and the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The intent of the release response measures required by the rules in this chapter is to prevent any discharged contaminants from polluting the waters of the state. Specifically, this rule establishes procedures for reporting suspected releases, responding to releases and the subsequent steps necessary to ensure that a release is properly investigated and cleaned up. This rule also describes the first steps that shall be taken to abate or stop the spread of contaminants, mitigate and determine the extent of the release, and requires spilled free product to be collected and removed from the environment immediately. The rule further establishes requirements for verification of a release, and for conducting off-site investigations following reported or suspected releases if off-site migration is suspected.

(8) Free Product Removal. The owner or operator of the AST shall immediately remove as much free product as practicable. Any actions initiated or required under this section shall be continued until the department determines otherwise, except that changes to free product recovery effects may be instituted without prior approval provided that the department is notified in writing of the intended changes at least five (5) days in advance of the proposed implementation date. The department may modify or deny the request as necessary. Upon discovery of free product, the owner or operator shall, at a minimum:

(9) Written Report. The owner or operator of the AST shall submit a written report on all activities required by this rule to the department within thirty (30) days of the date of discovery of the release. The report shall demonstrate compliance with all applicable requirements of this rule. Upon request, the department may allow another reasonable period of time for submission of the report. Upon review of this report, the department will determine whether the owner or operator must conduct a site characterization, as described in 10 CSR 20-15.030. If, in the judgment of the department, the information in the report is insufficient to adequately make this determination, the department may request additional information.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 20—Clean Water Commission

Chapter 15—Aboveground Storage Tanks—Release Response

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the commission adopts a rule as follows:

10 CSR 20-15.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2005–2012). Changes made in the text of the proposed rule as a result of comments received, are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF TESTIMONY: During the public hearing before the Missouri Clean Water Commission on November 28, 2001, the department testified that the release response requirements are intended to prevent any discharged contaminants from polluting the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The department testified that this proposed rule establishes the procedures for soil and groundwater investigations or characterization of the release at the site, and also lists the requirements for corrective action plans for cleanup of releases from aboveground storage tank sites.

SUMMARY OF COMMENTS:

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund commented that the Purpose Statement for 10 CSR 20-15.030 contains the sentence:

"This rule describes the first steps that shall be taken to abate or stop the spread of contaminants, mitigate and determine the extent of the release, and requires spilled free product to be collected and removed from the environment immediately."

Because this sentence describes requirements that are actually established in 10 CSR 20-15.020, the commenter questioned whether this sentence should be moved to the Purpose Statement for 10 CSR 20-15.020.

RESPONSE AND EXPLANATION OF CHANGE: As noted in the comment, the requirements referenced in the sentence in question are contained in 10 CSR 20-15.020. In the order of rulemaking, the sentence has been removed from the Purpose Statement for 10 CSR 20-15.030 and included in the Purpose Statement for 10 CSR 20-15.020.

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund recognized that 10 CSR 20-15.030(3)(B) appears to give AST owners the option to voluntarily clean up an AST release even though not required by the department. In such situations, the comment requested that the department make it clear in its correspondence that corrective action is not being required and that oversight of cleanup activities is provided as a service. This would assist the PSTIF in distinguishing between sites where corrective action costs are eligible and sites where the cleanup is voluntary and the owner is therefore responsible for those costs.

RESPONSE: The comment is noted and the department makes every effort in its correspondence to be clear as to what activities are required. Including a provision that allows an owner/operator to submit a corrective action plan when a plan is not requested or required by the department addresses a couple different situations. First, an AST owner may elect to submit a plan before the department requests it when the results of the site characterization indicate contamination to an extent that will clearly require corrective action. The owner then has the option to submit the plan in advance of the request made by the department. Second, in the future when the department implements risk-based cleanups based upon restrictions imposed on the use of the property, an AST owner may elect to clean up to a more stringent standard in order to allow unrestricted use of the property, even though not required by the department. In this situation, even though the corrective action plan is not required the department needs to review the plan to ensure that the cleanup activities proposed achieve an adequate level of protection of human health and the environment and the waters of the state. No change was made in response to this comment.

COMMENT: The executive director of the Petroleum Storage Tank Insurance Fund commended the fact that the rule allows corrective action to be undertaken prior to the receipt of written approval by the department. Although this is expected to occur rarely, the flexibility does address circumstances when immediate action is prudent in order to mitigate environmental and/or third party damages.

RESPONSE: The comment is noted and the department agrees that the flexibility to implement corrective action immediately is appropriate in some circumstances. No change was made as a result of this comment.

COMMENT: During a meeting with members of the Missouri Petroleum Marketers and Convenience Store Association, it was noted that 10 CSR 20-15.030(3)(E)1. requires written notification to the department prior to implementation of corrective action work after the plan has been submitted and approved. Members expressed concern that this requirement could impede the implementation of activities to mitigate and contain a release.

RESPONSE: The written notification requirement does not apply to the initial release response measures required to stabilize a site, and does not delay the implementation of necessary short-term release response measures, especially free product recovery. Once a corrective action plan (CAP) has been approved, there is no additional written authorization requirement and the CAP establishes a

schedule for the completion of the required activities. The rule allows an owner/operator to begin implementation of a CAP prior to approval by the department once notice to proceed is made in writing. No change was made as a result of this comment.

COMMENT: A representative of Williams and Company questioned a reference in 10 CSR 20-15.030(2)(B)8. of the rule to rule number 10 CSR 20-15.040 and whether there was a rule by that number or whether this was a typographical error.

RESPONSE AND EXPLANATION OF CHANGE: There is no rule number 10 CSR 20-15.040. The reference in the rule remains from a previous version of the rules that contained a rule by that number. The order of rulemaking contains a change to make this correction to reference the correct rule number, which is 10 CSR 20-15.020.

10 CSR 20-15.030 Site Characterization and Corrective Action

***PURPOSE:** The Missouri Clean Water Commission is responsible for adopting rules necessary to prevent, control and abate potential discharge of contaminants to the waters of the state. Releases of petroleum and other regulated substances from aboveground storage tanks and associated piping, primarily from ASTs located at service stations, marinas, bulk plants, and fleet fueling facilities, have been documented throughout the state. While the applicable Department of Agriculture regulations focus on prevention of such releases, there are currently no specific requirements for release response measures that must be taken to protect the environment and the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The intent of the release response measures required by the rules in this chapter is to prevent any discharged contaminants from polluting the waters of the state. Further, this rule specifies the procedures for soil and groundwater investigations or characterization of the release at the site, and lists the requirements for corrective action plans for cleanup of releases from aboveground storage tank sites. In addition, this rule specifies the type of information required to be submitted by the owner or operator to the department, upon completion of these phases of activities.*

(2) Site Characterization Reporting. A site characterization shall include, at a minimum, information about the site and the nature of the release. The site characterization report containing this information shall be submitted to the department within forty-five (45) days of date of the department's request to conduct site characterization in subsection (1)(A) of this rule. The department may approve an alternative reporting schedule. This information shall include, but is not limited to, the following:

(B) Data from available sources or site investigations concerning the following factors:

1. Surrounding land use;
2. The hydrogeologic characteristics of the site and the surrounding area;
3. Use and approximate locations of wells affected or potentially affected by the release;
4. Surface and subsurface soil conditions at the site and the immediate surrounding area;
5. Locations of subsurface utilities;
6. The proximity, quality, and current and potential future uses of nearby surface and ground water;
7. The potential effects of residual contamination on nearby surface and ground water; and
8. Any additional relevant information assembled while carrying out the steps required in 10 CSR 20-15.020 and this rule.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 3—Transport Load Fee**

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 2001, the board amends a rule as follows:

10 CSR 100-3.010 Assessment of Transport Load Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 2001, the board amends a rule as follows:

10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2405-2406). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Board of Trustees received one comment on the proposed amendment.

COMMENT: Robert L. Johnson objected to the change on the basis that it was grounded in an effort to limit the fund's financial exposure and does not comport with legislative intent.

RESPONSE: To the contrary, the Missouri General Assembly made it clear in section 319.131 that the Petroleum Storage Tank Insurance Fund has liability for cleanup costs at sites where tanks were taken out of service by a certain deadline; the board is fully funding that liability and does not limit it with this regulation. The regulation simply recognizes that legislative intent by not allowing tank owners to take their tanks out of service after the statutorily-imposed deadline, and still access fund benefits. It also conforms with standard business practices of commercial insurers, who are not allowed to write an insurance policy on a non-existent risk, as would be the case if a policy were issued covering sudden and non-sudden releases from an empty tank system.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 2001, the board amends a rule as follows:

10 CSR 100-4.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2406-2407). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board of trustees did not receive any comments from members of the public. However, staff provided one comment.

COMMENT: Staff identified procedural difficulties with the amendment, as proposed.

RESPONSE AND EXPLANATION OF CHANGE: The board has modified the proposed amendment to correct the problems identified by staff.

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks

(5) In order to continue participation in the fund, participants are required to renew their participation annually.

(E) If one (1) or more of the previously-insured aboveground storage tanks has been taken out of use and emptied, the owner and/or operator of that tank shall no longer be insured for costs resulting from sudden or non-sudden releases from that tank, since there cannot be a release from an empty tank. Instead, the owner or operator may elect to purchase "tail coverage" to protect against costs of corrective action which may be required as a result of a sudden or non-sudden release which occurred while the tank was in use, but which is not yet known.

1. Participation fees shall be paid on such tanks at the same rate as specified in 10 CSR 20-4.020(3)(A).

2. Coverage provided by the fund shall be limited to one (1) million dollars.

3. A ten thousand dollar (\$10,000) deductible shall apply.

4. Coverage for third-party property damage and third-party bodily injury shall not be provided.

5. All other terms and conditions of coverage provided by the fund shall be contained in the document issued by the board to the fund participant.

6. Such coverage shall not be issued for more than five (5) years after it is first issued for one (1) or more tanks at that location, and in no case beyond the sunset date of the fund established by the Missouri General Assembly.

7. The board reserves the right to issue such coverage at its sole discretion.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 5—Claims**

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 2001, the board amends a rule as follows:

10 CSR 100-5.010 Claims for Cleanup Costs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on

December 17, 2001 (26 MoReg 2407). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission withdraws a proposed rule as follows:

11 CSR 45-30.025 Bingo Promotions is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2298–2299). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held January 10, 2002, and the public comment period ended January 3, 2002. At the public hearing, the Missouri Gaming Commission staff explained the proposed rulemaking and numerous comments were made. Most of the comments were against the rule. The proposed rule was based upon bingo promotions being funded by bingo funds, which is prohibited by section 313.040, RSMo. Therefore, this proposed rule had to be withdrawn.

RESPONSE: As a result, the Missouri Gaming Commission is withdrawing this rulemaking.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.174, RSMo Supp. 2001, the director adopts a rule as follows:

12 CSR 10-24.470 Procedure for Obtaining a “J88” Notation on a Drivers License for Deafness or Hard of Hearing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2409). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.010 Who May Request is rescinded.

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2304). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.010 Who May Request is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2304–2305). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.020 Instituting Hearing Before the Commissioner is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2305). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.020 Instituting Hearing Before the Commissioner is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2305–2306). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.025 General Prehearing Procedures **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2306). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.030 Answers and Supplementary Pleadings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2306). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.030 Answers and Supplementary Pleadings **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2306–2307). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.040 Notice of Hearing **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2307). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.040 Notice of Hearing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2307–2308). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.050 Prehearing Conferences **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2308). No changes have been made in the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.050 Prehearing Conferences **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2308). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.070 Record of Hearing **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2308-2309). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.070 Record of Hearing Before the Commissioner **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2309). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule

becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.080 Discovery **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2309). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.080 Discovery **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2309-2310). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.090 Procedure and Evidence **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2310). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.090 Procedure at Hearing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2310). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-55.110 Briefs is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2310-2311). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-55.110 Motions, Suggestions and Legal Briefs is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2311). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-55.220 Hearing Officers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2311). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 2—Linked Deposit Program**

ORDER OF RULEMAKING

By the authority vested in the state treasurer under sections 30.260 and 30.760, RSMo 2000, the state treasurer amends a rule as follows:

15 CSR 50-2.050 Interest Rate on Linked Deposit Loans and Loan Categories is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2414-2415). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The State Treasurer's Office received one comment from Mr. Wade Nash, representing the Missouri Banker's Association. Mr. Nash stated that moving to a weekly reference rate, as established by the Wall Street Journal, would be more volatile than rates used by many Missouri banks, since many Missouri banks do not change their rate on a weekly basis. He also mentioned that eliminating the survey and reducing the amount of direct contact with banks would potentially discourage them from participating in the program.

Several additional areas of concern within the linked deposit program were included in the comments. The existence of a 2.00% floor on the rate payable to the State Treasurer's Office, together with today's low interest rate environment, makes it difficult for banks to obtain the desired interest rate spread between their cost of funds and respective loan rates. In addition, the auditing time associated with compliance issues creates an additional cost for banks. Moving to a weekly rate may substantially increase the required auditing time, making the program less desirable.

RESPONSE: The State Treasurer's Office places general and time deposits on a weekly basis, and therefore needs to set a weekly rate. Currently, the loan rates in question, although set weekly, only change upon completion of a new survey. Adoption of the proposed amendment would link future changes in the loan rate to changes in the prime lending rate. The rate, however it is determined, always has and always will be set on a weekly basis.

The State Treasurer's Office feels the additional comments go beyond the scope of the proposed amendment. The existence of a 2.00% floor is set in Missouri Statute, and cannot be changed through the administrative rules process. The auditing function is and will continue to be an important aspect of the program, ensuring all applicants meet the eligibility requirements as prescribed by Missouri Statutes. We feel the proposed amendment has no impact on the auditing time required by participants.

The State Treasurer's Office has considered all of the comments made on behalf of the Missouri Banker's Association, and have decided to make no change in the proposed amendment.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees of the Missouri Local Government Employees' Retirement System under section 70.605.21, RSMo 2000, the board hereby adopts a rule as follows:

16 CSR 20-2.056 Lump-Sum Cash Payout of Retirement Allowance **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2311-2312). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees of the Missouri Local Government Employees' Retirement System under section 70.605.21, RSMo 2000, the board hereby adopts a rule as follows:

16 CSR 20-2.083 Re-Employment in LAGERS-Covered Employment After Retirement **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2312). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 3—Hearings and Proceedings

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees of the Missouri Local Government Employees' Retirement System under section

70.605.21, RSMo 2000, the board hereby amends a rule as follows:

16 CSR 20-3.010 Hearings and Proceedings **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2312). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

choice. The use of pool stabilizer and other pool chemicals is addressed in subsection (E) 2G (II) d.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
West Community Credit Union 2345 S. Brentwood Blvd. St. Louis, MO 63144	Persons living or working in the following zip codes: 63108, 63113, 63366

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the **Missouri Register**.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 3—General Sanitation**

IN ADDITION

**19 CSR 20-3.050 Sanitation and Safety Standards for Lodging
Establishments**

The Adair County Health Department requested clarification regarding a comment they submitted in response to this rule. The comment from the Adair County Health Department with the response from the Department of Health and Senior Services is set forth below:

COMMENT: (E) G. (IV) (a) i. "When chlorine is the disinfectant, a free chlorine residual of at least 1.0ppm shall be maintained throughout the pool."

This is not adequate to protect the public's health when cyanuric acid (stabilizer) is used in the pool. Chlorinated isocyanurate (stabilized chlorine) is commonly used in outdoor pools to keep the chlorinating agent from being dissipated by sunlight. According to the Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers most recent standards 1.0ppm free chlorine would not even be half enough disinfectant under certain conditions.

RESPONSE: The Missouri Department of Health and Senior Services has considered this comment and has decided not to change the rule. The section cited by Adair County Health Department applied only when chlorine is the disinfectant of

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF WINDING UP OF LIMITED PARTNERSHIP

Notice of winding up to all creditors of and claimants against ARBITRAGE SELECT FUND, L.P., a Missouri limited partnership.

On January 30, 2002, ARBITRAGE SELECT FUND, L.P., a Missouri limited partnership, filed its Certificate of Cancellation with the Missouri Secretary of State.

The limited partnership requests that all persons and organizations with claims against it present such claims immediately by letter to the limited partnership to the attention of Brian J. Smith, Banc of America Capital Management Alternative Advisors, Mail Code: NC1-002-12-01, 101 South Tryon Street, Charlotte, North Carolina 28255-0001.

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of ARBITRAGE SELECT FUND, L.P., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this notice.

(Signature of Authorized Representative)

NOTICE OF WINDING UP OF LIMITED PARTNERSHIP

Notice of winding up to all creditors of and claimants against MULTI-STRATEGY ALTERNATIVE FUND, L.P., a Missouri limited partnership.

On January 30, 2002, MULTI-STRATEGY ALTERNATIVE FUND, L.P., a Missouri limited partnership, filed its Certificate of Cancellation with the Missouri Secretary of State.

The limited partnership requests that all persons and organizations with claims against it present such claims immediately by letter to the limited partnership to the attention of Brian J. Smith, Banc of America Capital Management Alternative Advisors, Mail Code: NC1-002-12-01, 101 South Tryon Street, Charlotte, North Carolina 28255-0001.

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of MULTI-STRATEGY ALTERNATIVE FUND, L.P., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this notice.

(Signature of Authorized Representative)

“NOTICE OF DISSOLUTION OF CORPORATION”

TO ALL CREDITORS OF AND CLAIMANTS AGAINST 1ST CHOICE FIRST AID, INC., A MISSOURI CORPORATION (THE “CORPORATION”):

You are hereby notified that Articles of Dissolution were filed with respect to the Corporation, the 31st day of January, 2002. Dissolution was effective on the 31st day of January, 2002. All persons having claims against the Corporation must present their claims in writing, and mail their claims to the Corporation at the following address:

Donna McKenzie
4044 Ridglea CC Dr.
Ft. Worth, TX 76126

A claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this Notice.

The claim must include the following information:

- (a) The name, address and telephone number of the claimant;
- (b) The amount claimed;
- (c) A description of the nature of the debt or the basis of the claim;
- (d) The date or dates the claim accrued; and
- (e) If the claim is founded on a writing, a copy of the writing.

Gary A. Powell, Attorney
750 North Jefferson
Springfield, MO 65802

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E02234 Trucks: Heavy Duty 4/1/02;
B1E02250 Dairy Products: Various Locations 4/2/02;
B3E02170 Permanent Disabled Person Placards 4/2/02;
B3E02180 Janitorial Services 4/2/02;
B1E02233 Oil, Fuel #2 Winterized 4/3/02;
B3Z02176 Crime Coding Validation Services 4/3/02;
B1E02248 Frozen Foods: Bagels 4/4/02;
B1Z02243 Meats: May 4/4/02;
B3E02173 Printing-Fall Deer & Turkey Hunting Information Booklet 4/8/02;
B3E02166 Personnel Services-Maintenance Workers 4/10/02;
B1E02245 Helicopter Repair: Engine Modules 4/11/02;
B1E02259 Crane: Hydraulic Folding Boom 4/11/02;
B2Z02064 Wireless Telephone Service & Equipment 4/12/02;
B3E02175 Trash Collection Services 4/12/02;
B3E02140 Janitorial Services 4/15/02;
B3E02174 Trash Collection Services 4/15/02;
B3Z02150 Commercial Advertising Program 4/15/02;
B3Z02184 Water System Security Training 4/16/02;
B3Z02168 Strategic Plan-Tobacco Use Prevention & Control 4/18/02;
B3Z02169 Public Education Campaign-Occupant Protection 4/19/02;
B3Z02141 MC+ Health Benefits Manager 4/22/02;
B2Z02058 Campground Reservation System 4/23/02;
B3Z02142 Enhanced Medicaid Pharmacy Program 4/25/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) NFB Newsline Service Upgrade, supplied by National Federation of the Blind.
- 2.) Firearms Training Equipment, supplied by Firearms Training Systems, Inc.

Neighborhood-Based Programs, Statewide Walking Campaign, and the Home to School Transportation Pilot Study, supplied by St. Louis School of Public Health, Health Communications Research Lab.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				25 MoReg 2478
1 CSR 50-3.010	Missouri Ethics Commission		26 MoReg 2219	27 MoReg 413	27 MoReg 189
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 10-5.015	Market Development	26 MoReg 2217	27 MoReg 451		
2 CSR 30-2.010	Animal Health	26 MoReg 2257	26 MoReg 2263		
2 CSR 30-2.040	Animal Health	26 MoReg 2257	26 MoReg 2265		
2 CSR 30-6.020	Animal Health	26 MoReg 2258	26 MoReg 2267		
2 CSR 80-5.010	State Milk Board		27 MoReg 396		
2 CSR 90-10.012	Weights and Measures		27 MoReg 7		
2 CSR 90-10.013	Weights and Measures		27 MoReg 9		
2 CSR 90-10.020	Weights and Measures		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures		27 MoReg 11		
2 CSR 90-20.040	Weights and Measures		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures		27 MoReg 454		
2 CSR 90-23.010	Weights and Measures		27 MoReg 454		
2 CSR 90-25.010	Weights and Measures		27 MoReg 455		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		27 MoReg 226		
3 CSR 10-5.550	Conservation Commission		26 MoReg 1891	27 MoReg 253	
	.....		27 MoReg 455		
3 CSR 10-5.551	Conservation Commission		26 MoReg 1893	27 MoReg 253	
	.....		27 MoReg 456		
3 CSR 10-5.559	Conservation Commission		26 MoReg 1895	27 MoReg 253	
3 CSR 10-5.560	Conservation Commission		26 MoReg 1897	27 MoReg 254	
3 CSR 10-5.565	Conservation Commission		26 MoReg 1899	27 MoReg 254	
3 CSR 10-6.405	Conservation Commission		26 MoReg 2075	27 MoReg 254	
3 CSR 10-7.455	Conservation Commission		N.A.	27 MoReg 254	27 MoReg 278
3 CSR 10-9.353	Conservation Commission	This Issue	This Issue		
3 CSR 10-9.565	Conservation Commission	This Issue	This Issue		
3 CSR 10-9.566	Conservation Commission	This Issue	This Issue		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501	26 MoReg 2353		
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2075	27 MoReg 493	
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2076	27 MoReg 493	
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2077	27 MoReg 493	
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2078R	27 MoReg 494R	
	.....		26 MoReg 2078	27 MoReg 494	
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2269		
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2269R		
	.....		26 MoReg 2270		
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2083R	27 MoReg 494R	
	.....		26 MoReg 2083	27 MoReg 494	
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2083R	27 MoReg 494R	
	.....		26 MoReg 2083	27 MoReg 495	
4 CSR 30-11.015	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2270		
4 CSR 40-1.010	Office of Athletics		26 MoReg 2354R		
4 CSR 40-1.021	Office of Athletics		26 MoReg 2354R		
	.....		26 MoReg 2354		
4 CSR 40-1.030	Office of Athletics		26 MoReg 2355R		
4 CSR 40-1.031	Office of Athletics		26 MoReg 2355R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 40-2.011	Office of Athletics		26 MoReg 2356R		
4 CSR 40-2.021	Office of Athletics		26 MoReg 2356		
			26 MoReg 2365R		
			26 MoReg 2365		
4 CSR 40-3.011	Office of Athletics		26 MoReg 2369R		
			26 MoReg 2369		
4 CSR 40-4.015	Office of Athletics		26 MoReg 2372R		
			26 MoReg 2372		
4 CSR 40-4.020	Office of Athletics		26 MoReg 2376R		
			26 MoReg 2376		
4 CSR 40-4.030	Office of Athletics		26 MoReg 2376R		
			26 MoReg 2377		
4 CSR 40-4.040	Office of Athletics		26 MoReg 2382R		
			26 MoReg 2382		
4 CSR 40-4.050	Office of Athletics		26 MoReg 2384R		
			26 MoReg 2384		
4 CSR 40-4.060	Office of Athletics		26 MoReg 2387		
4 CSR 40-4.070	Office of Athletics		26 MoReg 2387		
4 CSR 40-4.080	Office of Athletics		26 MoReg 2388R		
			26 MoReg 2388		
4 CSR 40-4.090	Office of Athletics		26 MoReg 2392		
4 CSR 40-5.010	Office of Athletics		26 MoReg 2392		
4 CSR 40-5.030	Office of Athletics		26 MoReg 2395R		
			26 MoReg 2395		
4 CSR 40-5.040	Office of Athletics		26 MoReg 2398R		
			26 MoReg 2398		
4 CSR 40-5.050	Office of Athletics		26 MoReg 2400R		
4 CSR 40-5.060	Office of Athletics		26 MoReg 2400R		
			26 MoReg 2400		
4 CSR 40-5.070	Office of Athletics		26 MoReg 2402R		
4 CSR 40-6.010	Office of Athletics		26 MoReg 2402R		
			26 MoReg 2403		
4 CSR 40-7.010	Office of Athletics		26 MoReg 2403R		
			26 MoReg 2404		
4 CSR 65-1.060	Endowed Care Cemeteries		26 MoReg 2088	27 MoReg 354	
4 CSR 65-2.010	Endowed Care Cemeteries		26 MoReg 2092	27 MoReg 354	
4 CSR 65-2.050	Endowed Care Cemeteries		26 MoReg 2096	27 MoReg 354	
4 CSR 90-2.010	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.020	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.030	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-4.020	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-8.010	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-12.080	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-13.070	State Board of Cosmetology		27 MoReg 16		
4 CSR 100	Division of Credit Unions				27 MoReg 188
					27 MoReg 415
					This Issue
4 CSR 100-2.085	Division of Credit Unions		27 MoReg 16		
4 CSR 110-2.131	Missouri Dental Board	This Issue	This Issue		
4 CSR 110-2.132	Missouri Dental Board		This Issue		
4 CSR 110-2.170	Missouri Dental Board		27 MoReg 100		
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 104		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276	27 MoReg 495	
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276	27 MoReg 495	
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		26 MoReg 2276	27 MoReg 495	
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		26 MoReg 2277	27 MoReg 495	
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		26 MoReg 2277	27 MoReg 495	
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		26 MoReg 2277	27 MoReg 496	
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		26 MoReg 2278	27 MoReg 496	
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		26 MoReg 2279	27 MoReg 496	
4 CSR 120-2.120	State Board of Embalmers and Funeral Directors		26 MoReg 2280	27 MoReg 496	
4 CSR 140-1.010	Division of Finance		27 MoReg 456		
4 CSR 140-2.067	Division of Finance		27 MoReg 457		
4 CSR 140-2.070	Division of Finance		27 MoReg 458		
4 CSR 140-10.010	Division of Finance		27 MoReg 458R		
4 CSR 140-10.030	Division of Finance		27 MoReg 458		
4 CSR 140-11.010	Division of Finance		27 MoReg 459R		
4 CSR 140-11.020	Division of Finance		27 MoReg 459R		
4 CSR 140-11.030	Division of Finance		27 MoReg 459		
4 CSR 140-11.040	Division of Finance		27 MoReg 461		
4 CSR 140-12.010	Division of Finance		27 MoReg 461		
4 CSR 140-13.010	Division of Finance		27 MoReg 462		
4 CSR 140-29.010	Division of Finance		27 MoReg 463		
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 2281	27 MoReg 496	
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656	27 MoReg 255	
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656	27 MoReg 255	
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1657	27 MoReg 255	
4 CSR 205-1.030	Missouri Board of Occupational Therapy		27 MoReg 18R		
4 CSR 205-3.010	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 205-3.020	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 210-2.030	State Board of Optometry		27 MoReg 105		
4 CSR 210-2.070	State Board of Optometry		27 MoReg 105		
4 CSR 220-2.020	State Board of Pharmacy		27 MoReg 18		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.650	State Board of Pharmacy		27 MoReg 19		
4 CSR 230-2.045	State Board of Podiatric Medicine		26 MoReg 2283	27 MoReg 497	
4 CSR 240-2.045	Public Service Commission		27 MoReg 106	This Issue	
4 CSR 240-2.075	Public Service Commission		27 MoReg 106	27 MoReg 413W	
4 CSR 240-2.080	Public Service Commission		26 MoReg 1965	27 MoReg 497	27 MoReg 512
4 CSR 240-2.115	Public Service Commission		27 MoReg 107	27 MoReg 413W	
4 CSR 240-2.117	Public Service Commission		27 MoReg 107	27 MoReg 413W	
4 CSR 240-2.130	Public Service Commission		26 MoReg 1966	27 MoReg 497	
4 CSR 240-10.020	Public Service Commission		26 MoReg 1659	27 MoReg 256W	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259			
4 CSR 240-35.010	Public Service Commission		26 MoReg 1659R	27 MoReg 256R	
4 CSR 240-35.020	Public Service Commission		26 MoReg 1659R	27 MoReg 256R	
4 CSR 240-35.030	Public Service Commission		26 MoReg 1660R	27 MoReg 256R	
4 CSR 250-5.020	Missouri Real Estate Commission		26 MoReg 2100	27 MoReg 354	
4 CSR 255-2.010	Missouri Board for Respiratory Care		26 MoReg 2404		
4 CSR 255-2.020	Missouri Board for Respiratory Care		26 MoReg 2404		
4 CSR 255-2.030	Missouri Board for Respiratory Care		26 MoReg 2405		
4 CSR 265-8.060	Motor Carrier and Railroad Safety				26 MoReg 2181

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-4.040	Division of School Services		26 MoReg 2283R	This IssueR	
5 CSR 30-4.045	Division of School Services		26 MoReg 2283R	This IssueR	
5 CSR 30-340.010	Division of School Services		26 MoReg 2103	This Issue	
	<i>(Changed to 5 CSR 50-340.110)</i>				
5 CSR 30-660.030	Division of School Services		26 MoReg 2284R	This IssueR	
5 CSR 30-660.040	Division of School Services		26 MoReg 2284R	This IssueR	
5 CSR 30-660.050	Division of School Services		26 MoReg 2284R	This IssueR	
5 CSR 50-340.050	Division of School Services		This IssueR		
	.....		This Issue		
5 CSR 50-340.110	Division of School Improvement		26 MoReg 2103	This Issue	
	<i>(Changed from 5 CSR 30-340.010)</i>				
5 CSR 50-340.200	Division of School Improvement		26 MoReg 2284	This Issue	
5 CSR 60-120.070	Vocational and Adult Education		26 MoReg 2103R	This IssueR	
	.....		26 MoReg 2103	This Issue	
5 CSR 80-800.360	Teacher Quality and Urban Education		26 MoReg 2290		
5 CSR 80-800.380	Teacher Quality and Urban Education		This Issue		
5 CSR 80-805.030	Teacher Quality and Urban Education		26 MoReg 2291		
5 CSR 100-200.010	Missouri Commission for the Deaf		26 MoReg 1660R	27 MoReg 257R	
	.....		26 MoReg 1660	27 MoReg 257	
5 CSR 100-200.030	Missouri Commission for the Deaf		26 MoReg 1661R	27 MoReg 258R	
	.....		26 MoReg 1661	27 MoReg 258	
5 CSR 100-200.040	Missouri Commission for the Deaf		26 MoReg 1662R	27 MoReg 259R	
	.....		26 MoReg 1662	27 MoReg 259	
5 CSR 100-200.050	Missouri Commission for the Deaf		26 MoReg 1662R	27 MoReg 261R	
	.....		26 MoReg 1663	27 MoReg 261	
5 CSR 100-200.060	Missouri Commission for the Deaf		26 MoReg 1663R	27 MoReg 262R	
	.....		26 MoReg 1663	27 MoReg 262	
5 CSR 100-200.070	Missouri Commission for the Deaf		26 MoReg 1664R	27 MoReg 263R	
	.....		26 MoReg 1664	27 MoReg 263	
5 CSR 100-200.075	Missouri Commission for the Deaf		26 MoReg 1665	27 MoReg 265	
5 CSR 100-200.080	Missouri Commission for the Deaf		26 MoReg 1665	27 MoReg 266W	
5 CSR 100-200.085	Missouri Commission for the Deaf		26 MoReg 1666R	27 MoReg 266R	
	.....		26 MoReg 1666	27 MoReg 266	
5 CSR 100-200.090	Missouri Commission for the Deaf		26 MoReg 1666R	27 MoReg 267R	
5 CSR 100-200.100	Missouri Commission for the Deaf		26 MoReg 1667R	27 MoReg 267R	
	.....		26 MoReg 1667	27 MoReg 267	
5 CSR 100-200.110	Missouri Commission for the Deaf		26 MoReg 1667R	27 MoReg 268R	
5 CSR 100-200.120	Missouri Commission for the Deaf		26 MoReg 1668R	27 MoReg 269R	
5 CSR 100-200.125	Missouri Commission for the Deaf		26 MoReg 1668	27 MoReg 269	
5 CSR 100-200.130	Missouri Commission for the Deaf		26 MoReg 1668R	27 MoReg 269R	
	.....		26 MoReg 1669	27 MoReg 270	
5 CSR 100-200.140	Missouri Commission for the Deaf		26 MoReg 1670R	27 MoReg 271R	
	.....		26 MoReg 1670	27 MoReg 272	
5 CSR 100-200.150	Missouri Commission for the Deaf		26 MoReg 1670R	27 MoReg 272R	
	.....		26 MoReg 1671	27 MoReg 272	
5 CSR 100-200.170	Missouri Commission for the Deaf		26 MoReg 1673R	27 MoReg 273R	
	.....		26 MoReg 1673	27 MoReg 273	
5 CSR 100-200.175	Missouri Commission for the Deaf		26 MoReg 1675R	27 MoReg 274R	
5 CSR 100-200.180	Missouri Commission for the Deaf		26 MoReg 1675R	27 MoReg 274R	
	.....		26 MoReg 1676	27 MoReg 274	
5 CSR 100-200.200	Missouri Commission for the Deaf		26 MoReg 1676R	27 MoReg 275R	
5 CSR 100-200.210	Missouri Commission for the Deaf		26 MoReg 1677R	27 MoReg 275R	
	.....		26 MoReg 1677	27 MoReg 275	

DEPARTMENT OF HIGHER EDUCATION

6 CSR 10-2.030	Commissioner of Higher Education		26 MoReg 2297	27 MoReg 497	
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DEPARTMENT OF TRANSPORTATION					
7 CSR 10-14.020	Missouri Highways and Transportation Commission		27 MoReg 312		
7 CSR 10-14.030	Missouri Highways and Transportation Commission		27 MoReg 312		
7 CSR 10-14.040	Missouri Highways and Transportation Commission		27 MoReg 313		
7 CSR 10-14.050	Missouri Highways and Transportation Commission		27 MoReg 314		
7 CSR 10-14.060	Missouri Highways and Transportation Commission		27 MoReg 315		
7 CSR 10-22.020	Missouri Highways and Transportation Commission		26 MoReg 2220	27 MoReg 497	
7 CSR 10-22.040	Missouri Highways and Transportation Commission		26 MoReg 2220	27 MoReg 498	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-8.010	Labor and Industrial Relations Commission		27 MoReg 399		
8 CSR 50-8.010	Workers' Compensation		27 MoReg 315		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.020	Director, Department of Mental Health		27 MoReg 108		
9 CSR 10-7.030	Director, Department of Mental Health		27 MoReg 108		
9 CSR 25-2.505	Fiscal Management		27 MoReg 109		
9 CSR 30-3.120	Certification Standards		26 MoReg 2220	27 MoReg 498	
9 CSR 30-3.130	Certification Standards		26 MoReg 2221	27 MoReg 498	
9 CSR 30-3.132	Certification Standards		26 MoReg 2221	27 MoReg 498	
9 CSR 30-3.140	Certification Standards		26 MoReg 2222	27 MoReg 498	
9 CSR 30-3.300	Certification Standards		26 MoReg 2222	27 MoReg 499	
9 CSR 30-4.030	Certification Standards	27 MoReg 219	27 MoReg 226		
9 CSR 30-4.031	Certification Standards	27 MoReg 219	27 MoReg 227		
9 CSR 30-4.032	Certification Standards	27 MoReg 220	27 MoReg 227		
9 CSR 30-4.034	Certification Standards	27 MoReg 221	27 MoReg 228		
9 CSR 30-4.035	Certification Standards	27 MoReg 222	27 MoReg 229		
9 CSR 30-4.039	Certification Standards	27 MoReg 222	27 MoReg 229		
9 CSR 30-4.042	Certification Standards	27 MoReg 223	27 MoReg 229		
9 CSR 30-4.043	Certification Standards	27 MoReg 223	27 MoReg 230		
9 CSR 30-4.045	Certification Standards	27 MoReg 224	27 MoReg 231		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	27 MoReg 389	27 MoReg 399		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.080	Air Conservation Commission		This Issue		
10 CSR 10-5.180	Air Conservation Commission		This Issue		
10 CSR 10-5.300	Air Conservation Commission		26 MoReg 1967		
10 CSR 10-6.060	Air Conservation Commission		26 MoReg 1974		
10 CSR 10-6.065	Air Conservation Commission		26 MoReg 1975		
10 CSR 10-6.070	Air Conservation Commission		27 MoReg 402		
10 CSR 10-6.075	Air Conservation Commission		27 MoReg 403		
10 CSR 10-6.080	Air Conservation Commission		27 MoReg 405		
10 CSR 10-6.110	Air Conservation Commission		27 MoReg 318		
10 CSR 10-6.220	Air Conservation Commission		This Issue		
10 CSR 10-6.280	Air Conservation Commission		26 MoReg 1570	27 MoReg 275	
10 CSR 20-4.023	Clean Water Commission		26 MoReg 860		
10 CSR 20-4.043	Clean Water Commission		26 MoReg 861		
10 CSR 20-6.200	Clean Water Commission		26 MoReg 1976		
10 CSR 20-7.040	Clean Water Commission		27 MoReg 235		
10 CSR 20-15.010	Clean Water Commission		26 MoReg 1992	This Issue	
10 CSR 20-15.020	Clean Water Commission		26 MoReg 1993	This Issue	
10 CSR 20-15.030	Clean Water Commission		26 MoReg 2005	This Issue	
10 CSR 25-3.260	Hazardous Waste Management Commission		27 MoReg 110		
10 CSR 25-6.263	Hazardous Waste Management Commission		27 MoReg 112		
10 CSR 25-12.010	Hazardous Waste Management Commission		27 MoReg 115		
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
10 CSR 40-10.050	Land Reclamation Commission		26 MoReg 1798		
10 CSR 60-4.050	Public Drinking Water Program		27 MoReg 325		
10 CSR 60-4.060	Public Drinking Water Program		27 MoReg 329R		
			27 MoReg 329		
10 CSR 60-7.020	Public Drinking Water Program		26 MoReg 1799	27 MoReg 499	
10 CSR 60-10.040	Public Drinking Water Program		26 MoReg 1801	27 MoReg 499	
10 CSR 60-14.020	Public Drinking Water Program				26 MoReg 1847
10 CSR 60-15.020	Public Drinking Water Program		26 MoReg 1802	27 MoReg 499	
10 CSR 60-15.030	Public Drinking Water Program		26 MoReg 1804	27 MoReg 499	
10 CSR 60-15.050	Public Drinking Water Program		26 MoReg 1804	27 MoReg 500	
10 CSR 60-15.060	Public Drinking Water Program		26 MoReg 1805	27 MoReg 500	
10 CSR 60-15.070	Public Drinking Water Program		26 MoReg 1809	27 MoReg 500	
10 CSR 60-15.080	Public Drinking Water Program		26 MoReg 1813	27 MoReg 500	27 MoReg 512
10 CSR 60-15.090	Public Drinking Water Program		26 MoReg 1816	27 MoReg 501	27 MoReg 512
10 CSR 70-1.010	Soil and Water Districts Commission		27 MoReg 247		
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2405	This Issue	
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2405	This Issue	
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2406	This Issue	
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2407	This Issue	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.210	Adjutant General		27 MoReg 247		
	(<i>Changed from 11 CSR 40-4.010</i>)				
11 CSR 10-11.220	Adjutant General		27 MoReg 248		
	(<i>Changed from 11 CSR 40-4.020</i>)				

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11 CSR 10-11.230	Adjutant General		27 MoReg 248		
	(<i>Changed from 11 CSR 40-4.030</i>)				
11 CSR 10-11.240	Adjutant General		27 MoReg 249		
	(<i>Changed from 11 CSR 40-4.040</i>)				
11 CSR 10-11.250	Adjutant General		27 MoReg 249		
	(<i>Changed from 11 CSR 40-4.050</i>)				
11 CSR 30-7.010	Office of the Director	This Issue	This Issue		
11 CSR 40-4.010	Division of Fire Safety		27 MoReg 247		
	(<i>Changed to 11 CSR 10-11.210</i>)				
11 CSR 40-4.020	Division of Fire Safety		27 MoReg 248		
	(<i>Changed to 11 CSR 10-11.220</i>)				
11 CSR 40-4.030	Division of Fire Safety		27 MoReg 248		
	(<i>Changed to 11 CSR 10-11.230</i>)				
11 CSR 40-4.040	Division of Fire Safety		27 MoReg 249		
	(<i>Changed to 11 CSR 10-11.240</i>)				
11 CSR 40-4.050	Division of Fire Safety		27 MoReg 249		
	(<i>Changed to 11 CSR 10-11.250</i>)				
11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
11 CSR 45-1.090	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.030	Missouri Gaming Commission		26 MoReg 2297		
11 CSR 45-4.200	Missouri Gaming Commission		26 MoReg 2297		
11 CSR 45-4.205	Missouri Gaming Commission		26 MoReg 2298		
11 CSR 45-4.260	Missouri Gaming Commission		26 MoReg 2298		
			27 MoReg 405		
11 CSR 45-4.400	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.410	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.420	Missouri Gaming Commission		27 MoReg 122		
11 CSR 45-5.070	Missouri Gaming Commission		This Issue		
11 CSR 45-5.075	Missouri Gaming Commission		This Issue		
11 CSR 45-5.290	Missouri Gaming Commission		27 MoReg 122		
11 CSR 45-6.020	Missouri Gaming Commission		27 MoReg 123		
11 CSR 45-6.025	Missouri Gaming Commission		27 MoReg 126		
11 CSR 45-7.040	Missouri Gaming Commission				26 MoReg 2184
11 CSR 45-8.050	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-9.030	Missouri Gaming Commission		This Issue		
11 CSR 45-12.090	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-13.070	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-30.025	Missouri Gaming Commission		26 MoReg 2298	This IssueW	
			This Issue		
11 CSR 45-30.355	Missouri Gaming Commission		27 MoReg 406		
11 CSR 45-30.190	Missouri Gaming Commission		26 MoReg 2106		
11 CSR 45-30.395	Missouri Gaming Commission		26 MoReg 2106		
11 CSR 45-30.525	Missouri Gaming Commission		26 MoReg 2106		
11 CSR 50-2.150	Missouri State Highway Patrol		26 MoReg 2299	27 MoReg 501	
11 CSR 50-2.170	Missouri State Highway Patrol		26 MoReg 2300	27 MoReg 501	
11 CSR 50-2.240	Missouri State Highway Patrol		26 MoReg 2300	27 MoReg 501	
11 CSR 50-2.320	Missouri State Highway Patrol	26 MoReg 2260	26 MoReg 2300	27 MoReg 501	
11 CSR 50-2.321	Missouri State Highway Patrol		26 MoReg 2303	27 MoReg 501	
11 CSR 60-1.010	Division of Highway Safety		26 MoReg 2407		
11 CSR 60-1.040	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.050	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.060	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.100	Division of Highway Safety		26 MoReg 2409		
11 CSR 70-3.010	Division of Liquor Control		26 MoReg 2107	27 MoReg 355	
11 CSR 70-3.020	Division of Liquor Control		26 MoReg 2109	27 MoReg 355	
DEPARTMENT OF REVENUE					
12 CSR	Construction Transient Employers				26 MoReg 1848
					26 MoReg 2434
					27 MoReg 416
12 CSR 10-2.165	Director of Revenue		27 MoReg 338		
12 CSR 10-23.275	Director of Revenue		26 MoReg 2113	27 MoReg 355	
12 CSR 10-24.050	Director of Revenue		26 MoReg 2113	27 MoReg 355	
12 CSR 10-24.190	Director of Revenue		26 MoReg 2113	27 MoReg 355	
12 CSR 10-24.300	Director of Revenue		26 MoReg 2114	27 MoReg 355	
12 CSR 10-24.326	Director of Revenue		26 MoReg 2114	27 MoReg 502	
12 CSR 10-24.402	Director of Revenue		26 MoReg 2120	27 MoReg 336	
12 CSR 10-24.462	Director of Revenue		26 MoReg 2120	27 MoReg 336	
12 CSR 10-24.470	Director of Revenue		26 MoReg 2409	This Issue	
12 CSR 10-41.010	Director of Revenue	26 MoReg 2262	26 MoReg 2303	27 MoReg 508	
12 CSR 10-41.030	Director of Revenue		27 MoReg 338		
12 CSR 10-43.030	Director of Revenue		27 MoReg 464		
12 CSR 10-111.100	Director of Revenue		26 MoReg 2224	27 MoReg 508	
12 CSR 10-113.200	Director of Revenue		27 MoReg 339		
12 CSR 10-117.100	Director of Revenue		27 MoReg 340		
12 CSR 30-4.010	State Tax Commission		27 MoReg 250		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 15-1.010	Division of Aging				27 MoReg 512
	(<i>Changed to 19 CSR 15-1.010</i>)				
13 CSR 15-2.010	Division of Aging				27 MoReg 512
	(<i>Changed to 19 CSR 15-2.010</i>)				

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13 CSR 15-3.010	Division of Aging (<i>Changed to 19 CSR 15-3.010</i>)				27 MoReg 512
13 CSR 15-3.020	Division of Aging (<i>Changed to 19 CSR 15-3.020</i>)				27 MoReg 513
13 CSR 15-3.030	Division of Aging (<i>Changed to 19 CSR 15-3.030</i>)				27 MoReg 513
13 CSR 15-3.040	Division of Aging (<i>Changed to 19 CSR 15-3.040</i>)				27 MoReg 513
13 CSR 15-3.050	Division of Aging (<i>Changed to 19 CSR 15-3.050</i>)				27 MoReg 513
13 CSR 15-4.010	Division of Aging (<i>Changed to 19 CSR 15-4.010</i>)				27 MoReg 513
13 CSR 15-4.020	Division of Aging (<i>Changed to 19 CSR 15-4.020</i>)				27 MoReg 513
13 CSR 15-4.030	Division of Aging (<i>Changed to 19 CSR 15-4.030</i>)				27 MoReg 513
13 CSR 15-4.040	Division of Aging (<i>Changed to 19 CSR 15-4.040</i>)				27 MoReg 513
13 CSR 15-4.050	Division of Aging (<i>Changed to 19 CSR 15-4.050</i>)		27 MoReg 486		27 MoReg 513
13 CSR 15-4.060	Division of Aging (<i>Changed to 19 CSR 15-4.060</i>)				27 MoReg 513
13 CSR 15-4.070	Division of Aging (<i>Changed to 19 CSR 15-4.070</i>)				27 MoReg 513
13 CSR 15-4.080	Division of Aging (<i>Changed to 19 CSR 15-4.080</i>)				27 MoReg 513
13 CSR 15-4.090	Division of Aging (<i>Changed to 19 CSR 15-4.090</i>)				27 MoReg 513
13 CSR 15-4.100	Division of Aging (<i>Changed to 19 CSR 15-4.100</i>)				27 MoReg 513
13 CSR 15-4.105	Division of Aging (<i>Changed to 19 CSR 15-4.105</i>)				27 MoReg 513
13 CSR 15-4.110	Division of Aging (<i>Changed to 19 CSR 15-4.110</i>)				27 MoReg 513
13 CSR 15-4.120	Division of Aging (<i>Changed to 19 CSR 15-4.120</i>)				27 MoReg 513
13 CSR 15-4.130	Division of Aging (<i>Changed to 19 CSR 15-4.130</i>)				27 MoReg 513
13 CSR 15-4.135	Division of Aging (<i>Changed to 19 CSR 15-4.135</i>)				27 MoReg 513
13 CSR 15-4.140	Division of Aging (<i>Changed to 19 CSR 15-4.140</i>)				27 MoReg 513
13 CSR 15-4.150	Division of Aging (<i>Changed to 19 CSR 15-4.150</i>)				27 MoReg 513
13 CSR 15-4.160	Division of Aging (<i>Changed to 19 CSR 15-4.160</i>)				27 MoReg 513
13 CSR 15-4.170	Division of Aging (<i>Changed to 19 CSR 15-4.170</i>)				27 MoReg 513
13 CSR 15-4.175	Division of Aging (<i>Changed to 19 CSR 15-4.175</i>)				27 MoReg 513
13 CSR 15-4.180	Division of Aging (<i>Changed to 19 CSR 15-4.180</i>)				27 MoReg 513
13 CSR 15-1.190	Division of Aging (<i>Changed to 19 CSR 15-4.190</i>)				27 MoReg 513
13 CSR 15-4.200	Division of Aging (<i>Changed to 19 CSR 15-4.200</i>)				27 MoReg 513
13 CSR 15-4.210	Division of Aging (<i>Changed to 19 CSR 15-4.210</i>)				27 MoReg 513
13 CSR 15-4.220	Division of Aging (<i>Changed to 19 CSR 15-4.220</i>)				27 MoReg 513
13 CSR 15-4.230	Division of Aging (<i>Changed to 19 CSR 15-4.230</i>)				27 MoReg 513
13 CSR 15-4.240	Division of Aging (<i>Changed to 19 CSR 15-4.240</i>)				27 MoReg 513
13 CSR 15-4.250	Division of Aging (<i>Changed to 19 CSR 15-4.250</i>)				27 MoReg 513
13 CSR 15-4.260	Division of Aging (<i>Changed to 19 CSR 15-4.260</i>)				27 MoReg 513
13 CSR 15-4.270	Division of Aging (<i>Changed to 19 CSR 15-4.270</i>)				27 MoReg 513
13 CSR 15-4.280	Division of Aging (<i>Changed to 19 CSR 15-4.280</i>)				27 MoReg 513
13 CSR 15-4.290	Division of Aging (<i>Changed to 19 CSR 15-4.290</i>)				27 MoReg 513
13 CSR 15-4.300	Division of Aging (<i>Changed to 19 CSR 15-4.300</i>)				27 MoReg 513
13 CSR 15-4.310	Division of Aging (<i>Changed to 19 CSR 15-4.310</i>)				27 MoReg 513
13 CSR 15-6.020	Division of Aging (<i>Changed to 19 CSR 15-6.020</i>)				27 MoReg 513
13 CSR 15-6.025	Division of Aging (<i>Changed to 19 CSR 15-6.025</i>)				27 MoReg 513

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13 CSR 15-7.005	Division of Aging				27 MoReg 514
	(<i>Changed to 19 CSR 15-7.005</i>)				
13 CSR 15-7.010	Division of Aging				27 MoReg 514
	(<i>Changed to 19 CSR 15-7.010</i>)				
13 CSR 15-7.021	Division of Aging		26 MoReg 2034	27 MoReg 509	27 MoReg 514
	(<i>Changed to 19 CSR 15-7.021</i>)				27 MoReg 514
13 CSR 15-7.040	Division of Aging				27 MoReg 514
	(<i>Changed to 19 CSR 15-7.040</i>)				
13 CSR 15-7.050	Division of Aging				27 MoReg 514
	(<i>Changed to 19 CSR 15-7.050</i>)				
13 CSR 15-7.060	Division of Aging				27 MoReg 514
	(<i>Changed to 19 CSR 15-7.060</i>)				
13 CSR 40-19.020	Division of Family Services	26 MoReg 1962	26 MoReg 2013	27 MoReg 508	
13 CSR 40-30.020	Division of Family Services	27 MoReg 391	27 MoReg 406		
13 CSR 40-60.050	Division of Family Services		27 MoReg 341		
13 CSR 70-3.100	Division of Medical Services		26 MoReg 2122	27 MoReg 356	
13 CSR 70-10.050	Division of Medical Services		26 MoReg 2409		
13 CSR 70-10.110	Division of Medical Services	26 MoReg 1889	26 MoReg 1904	27 MoReg 276	
13 CSR 70-15.010	Division of Medical Services		26 MoReg 1907	27 MoReg 276	
13 CSR 70-15.040	Division of Medical Services		26 MoReg 1911	27 MoReg 276	
13 CSR 70-15.110	Division of Medical Services		26 MoReg 2014	27 MoReg 276	
13 CSR 70-20.031	Division of Medical Services		26 MoReg 2016		
13 CSR 70-20.034	Division of Medical Services		26 MoReg 2018		26 MoReg 2186
13 CSR 70-50.010	Division of Medical Services		26 MoReg 1911	27 MoReg 277	
13 CSR 73-2.015	Missouri Board of Nursing				
	Home Administrators	27 MoReg 5	27 MoReg 19		
13 CSR 73-2.070	Missouri Board of Nursing				
	Home Administrators	27 MoReg 5	27 MoReg 20		
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15 CSR 30-45.030	Secretary of State		27 MoReg 407R		
			27 MoReg 407		
15 CSR 30-50.010	Secretary of State		27 MoReg 129		
15 CSR 30-50.020	Secretary of State		27 MoReg 130R		
			27 MoReg 130		
15 CSR 30-50.030	Secretary of State		27 MoReg 131R		
			27 MoReg 131		
15 CSR 30-50.040	Secretary of State		27 MoReg 132R		
			27 MoReg 132		
15 CSR 30-50.120	Secretary of State		27 MoReg 133R		
15 CSR 30-50.130	Secretary of State		27 MoReg 134R		
15 CSR 30-50.150	Secretary of State		27 MoReg 134R		
15 CSR 30-50.160	Secretary of State		27 MoReg 134R		
15 CSR 30-50.170	Secretary of State		27 MoReg 134R		
15 CSR 30-50.180	Secretary of State		27 MoReg 135R		
15 CSR 30-50.210	Secretary of State		27 MoReg 135R		
15 CSR 30-50.220	Secretary of State		27 MoReg 135R		
15 CSR 30-51.010	Secretary of State		27 MoReg 135		
15 CSR 30-51.020	Secretary of State		27 MoReg 136R		
			27 MoReg 136		
15 CSR 30-51.030	Secretary of State		27 MoReg 138R		
			27 MoReg 138		
15 CSR 30-51.160	Secretary of State		27 MoReg 139R		
			27 MoReg 139		
15 CSR 30-51.180	Secretary of State		27 MoReg 251		
15 CSR 30-54.190	Secretary of State		26 MoReg 2303R		
			26 MoReg 2304		
15 CSR 30-54.290	Secretary of State		27 MoReg 251		
15 CSR 30-55.010	Secretary of State		26 MoReg 2304R	This IssueR	
			26 MoReg 2304	This Issue	
15 CSR 30-55.020	Secretary of State		26 MoReg 2305R	This IssueR	
			26 MoReg 2305	This Issue	
15 CSR 30-55.025	Secretary of State		26 MoReg 2306	This Issue	
15 CSR 30-55.030	Secretary of State		26 MoReg 2306R	This IssueR	
			26 MoReg 2306	This Issue	
15 CSR 30-55.040	Secretary of State		26 MoReg 2307R	This IssueR	
			26 MoReg 2307	This Issue	
15 CSR 30-55.050	Secretary of State		26 MoReg 2308R	This IssueR	
			26 MoReg 2308	This Issue	
15 CSR 30-55.070	Secretary of State		26 MoReg 2308R	This IssueR	
			26 MoReg 2309	This Issue	
15 CSR 30-55.080	Secretary of State		26 MoReg 2309R	This IssueR	
			26 MoReg 2309	This Issue	
15 CSR 30-55.090	Secretary of State		26 MoReg 2310R	This IssueR	
			26 MoReg 2310	This Issue	
15 CSR 30-55.110	Secretary of State		26 MoReg 2310R	This IssueR	
			26 MoReg 2311	This Issue	
15 CSR 30-55.220	Secretary of State		26 MoReg 2311	This Issue	
15 CSR 50-2.050	Treasurer		26 MoReg 2414	This Issue	
15 CSR 60-13.060	Attorney General	26 MoReg 1964	26 MoReg 2020	27 MoReg 277	

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RETIREMENT SYSTEMS					
16 CSR 10-4.014	The Public School Retirement System of Missouri		27 MoReg 465		
16 CSR 10-6.040	The Public School Retirement System of Missouri		27 MoReg 465		
16 CSR 20-2.056	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2311	This Issue
16 CSR 20-2.083	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312	This Issue
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